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KUWAITI MAGAZINE CRITICIZES GENERAL ELECTIONS

BK290740 Kuala Lumpur BERITA HARIAN in Malay 25 Aug 86 p 2

[Text] Kuala Lumpur--Sunday--The Foreign Ministry views with gravity an article in an Arabic language Kuwaiti magazine published recently which was said to have projected a lopsided image of the recent general election held in Malaysia on 3 August.

Foreign Ministry Information Director Syed Mohamed Syed Baharum said that this is the first time that the ministry had received such a report. According to him, all up to date reports received by the Malaysian foreign offices conveyed congratulatory messages to the government. He said, "They not only considered the recent general election a victory for the Barisan Nasional [BN] but also personally for Datuk Sri Dr Mahathir Mohamed." He said this when commenting on local newspaper reports today [24 August] concerning the Arabic language magazine report.

The report published by the ALMUJTAMMAK weekly magazine said that the government's move to hold the general election at an inappropriate time was to obstruct the nation's Islamic group's advance. The writer of the article, Abu Bakar, charged that the prime minister purposely held the general election during the Haj pilgrimage season so that the PAS [Pan Malaysian Islamic Party] supporter making the Haj pilgrimage did not have the opportunity to cast their votes.

The article also said PAS is supported by a large number of Muslims in this country while Barisan Nasional led by Datuk Sri Dr Mahathir is supported by non-Muslims. He said, "We will take relevant action against this article." He also said his authorities will get in touch with the office of the Malaysian representative in Kuwait. Concerning the writer of the article, Syed Mohamed said it is difficult to determine whether he is a Malaysian citizen or not because the name "Abu" is a common name for Arabs.

/9604

CSO: 4213/190

COMMENTARY VIEWS NONALIGNED POLICY COMMITMENT

BK021659 Kuala Lumpur International Service in English 0800 GMT 2 Sep 86

[Station commentary]

[Text] Malaysians have been observing national day and the 29th anniversary of the country's achievement as a sovereign nation. Today, Malaysia plays an important role in regional and international affairs and strives to promote stability and understanding in the world community.

At the very onset, Malaysian leaders decided to enter into diplomatic relations with all nations irrespective of their political or economic ideologies. Malaysia, therefore, upholds nonalignment as the appropriate policy in the light of its national interests.

Being a trading nation with economic links all over the world, Malaysia has endeavored to formulate and promote policies that will ensure better deals for its commodity exports. Apart from being a signatory to several international commodity agreements, it supports a world economic forum [words indistinct] to bring about stable earnings from all commodity exports.

Malaysia's sensitivity to the problems of small nations that depend on the production and sales of a few products is best demonstrated in its technical assistance programs. These schemes enable public officials from several South Pacific island states, the Maldives, as well as from Africa, to receive training awards to pursue public administration courses at the Malaysian Institute of Public Administration. The prime minister, Datuk Sri Dr Mahathir, has also been promoting the establishment of a permanent commission of the South to bring about more interactions among all small nation states of the world and more particularly in the Third World. This concern for the interests of the small nations is also to be seen as one of Malaysia's prime achievements in the UN General Assembly, namely the quest for a new review for Antarctica. A few years ago, when the Malaysian prime minister drew the attention of the world community to the need to examine the current status of Antarctica and its resources, there was little interest in the resolution. Today, it is a matter of gratification that so many UN member states support the notion of (?treating) Antarctica and its resources as the common heritage of mankind. More international attention is also being focused on the weaknesses of the Antarctica treaty, which enables an exclusive club to monopolize the icy continent.

As far as ASEAN is concerned, Malaysia regards it as a cornerstone of its foreign policy. Malaysian leaders have supported all moves aimed at closer economic links among ASEAN members, as well as [word indistinct] negotiations with non-ASEAN states and economic entities, such as the European Community.

On the issue of Kampuchea, Malaysia has made its own contribution to the formulation of peace proposals. One of them is the well known proximity talks proposal of the Malaysian prime minister, which has been embodied in Prince Norodom Sihanouk's 8-point peace plan.

Malaysian support for a Palestinian homeland and independence for Namibia is well known. Another important area which Malaysia is seeking greater international cooperation is the prevention of drug trafficking and drug abuse.

In the years to come, Malaysia will try to continue its pragmatic tradition in external relations and work for a better world.

/12913

CSO: 4200/1398

BRIEFS

COALITION REACTS TO TAN'S RESIGNATION—Penang, Thursday—The Barisan Nasional cannot interfere in the resignation of Mr Tan Koon Swan as MCA [Malaysian Chinese Association] President, Deputy Prime Minister Ghafar Baba said today. The resignation, he added, was solely an MCA affair and the party had its own constitution to follow. "The Barisan cannot interfere in the internal affairs of a component party," he said. Encik Ghafar, who is also Barisan secretary general, said the resignation would not adversely affect the image of the coalition. "We respect the laws of our country and those of another country," he said. "Furthermore, Mr Tan resigned in a gentlemanly manner." Last night, Datuk Sri Dr Mahathir Mohamed said the whole affair would not affect the government's image as Mr Tan was not a member of the cabinet. Speaking to reporters after the UMNO [United Malays National Organization] Supreme Council meeting, the prime minister said it was up to the MCA to pick its leaders. "As you know, the cabinet has a vacancy. If the MCA submits a candidate, we will readily consider it," he said. During the post-election cabinet reshuffle early this month, Dr Mahathir left the housing and local government slot vacant. It is now temporarily under the charge of Encik Ghafar. [Excerpt] [Kuala Lumpur NEW STRAITS TIMES in English 29 Aug 86 p 2 BK] /12913

DECISION DEFERRED—The Malaysian Chinese Association [MCA] Central Committee, which met in Kuala Lumpur today to discuss the resignation of Encik Tan Koon Swan as party president, has deferred decision on the matter pending the outcome of a meeting between Encik Tan and a party delegation leaving for Singapore tonight. MCA Deputy President Datuk Dr Ling Liong Sik said a decision would be made at a meeting tomorrow after the 7-man delegation returns home. The delegation will be led by national organizing secretary Wong Choon Wing. He told reporters the decision to send the delegation was unanimously made at a 3-hour meeting. Datuk Ling said the delegation's mission was to convey to Encik Tan the [word indistinct] he might not have considered when he submitted his resignation letter. Meanwhile, Encik Tan Koon Swan, in his letter he wrote to all Central Committee and party members, has urged them to give their full support for Datuk Dr Ling Liong Sik, who will take over the president post according to the new party constitution. He expressed regrets that he could not carry on to serve the party. Encik Tan also apologized to the members as his involvement had tarnished the image of the party. He called on the present leadership to cooperate closely to bring the party to a new height. Encik Tan's resignation letter, which was dated the 27th of August, was released by the party headquarters to newsmen after

the Central Committee meeting. [Text] [Kuala Lumpur Domestic Service in English 1330 GMT 2 Sep 86 BK] /12913

JOINT BORDER OPERATIONS--The Malaysian Armed Forces and Thai Armed Forces will launch massive joint operations along their common border if there is a communist threat in the area. The chief of the Armed Forces, General Tan Sri Ghazali Che Mat, said that considering that the communist threats were under control, the security forces from both countries have not conducted joint operations along the border for the past two to three years. He said this following a meeting with Thai Armed Forces chief of staff, General Banchop Bunnak, at the Ministry of Defense in Kuala Lumpur today. He said that, at the moment, both parties were satisfied with the joint operations which are held periodically in agreement with Broder General Committee regulations. Speaking on security matters in the Malaysian Peninsula, he said that there still are remnants of communist terrorist groups in certain areas. The military forces of both countries will continue to conduct the joint border operations and, if it is proven that communist activities have increased, massive joint operations will be launched. About 200 communist terrorists are still active around the peninsula. [Text] [Kuala Lumpur Domestic Service in Malay 1230 GMT 4 Sep 86 BK] /12913

AUTHORITIES DENY FABIAN VER EXPELLED--Kuala Lumpur, 31 Aug (AFP)--Malaysian police and immigration authorities have denied that former Philippine military chief Fabian Ver entered the east Malaysian state of Sabah this month and was asked to leave, press reports said here Sunday. "If the immigration authorities were aware of the general's presence, they would have informed us," Sabah police chief Ahmad Maulana Babjee was quoted as saying. Philippine Defence Minister Juan Ponce Enrile was quoted Friday as saying that General Ver, who fled the Philippines in February after a civilian-military revolt toppled President Ferdinand Marcos, used a Lebanese passport to enter Sabah and was asked to leave by the Malaysian authorities. An immigration Department officer said the department would have been informed of any order to the visitor to leave Sabah. General Ver was also said to have been seen in Brunei 2 months ago. [Text] [Hong Kong AFP' in English 1000 GMT 31 Aug 86] /9604

LIBYAN REVOLUTION DAY--Kuala Lumpur, 1 Sep (OANA-BERNAMA)--The Yang Di-pertuan Agong (king) has sent a congratulatory message to Libyan leader Colonel Mu'ammr al-Qadhdhafi in conjunction with the anniversary of the al-Fateh revolution Monday. He expressed hope for the continued progress and prosperity of the Libyan people under the leadership of Colonel Al-Qadhdhafi and for closer ties between the two countries. Prime Minister Dr Mahathir Mohamad sent a similar message to secretary of the general's people committee (sic) Jadallah Azuz al-Tolhi [BERNAMA spelling]. In his message, the prime minister expressed confidence that the existing ties between the two countries would be further strengthened. Foreign Minister Rais Yatim sent a similar message to the secretary of the people's committee for foreign liaison bureau, Kamel Hassan al-Mansoor [BERNAMA spelling]. [Text] [Kuala Lumpur BERNAMA in English 0431 GMT 1 Sep 86] /9604

CSO: 4200/1391

VASQUEZ COMMISSION REPORT ON AQUINO-GALMAN TRIAL

Manila MANILA BULLETIN in English 1, 2 Aug 86

[1 Aug 86 pp 14, 15]

[Text] [Text of the report of the Vasquez Commission finding a mistrial in the Aquino-Galman case]

Republic of the Philippines
SUPREME COURT

Manila

SATURNINA GALMAN, ET AL.,

Petitioners,

—versus— G.R. No. 72670

SANDIGANBAYAN, ET AL.,

Respondents.

x ————— x

REPORT OF THE COMMISSION

In compliance with the Resolution dated June 5, 1986 issued by this Honorable Court *En Banc* in the above-entitled case, the undersigned Chairman and Members of the Commission appointed pursuant thereto hereby respectfully submit this Report.

I

CREATION OF THE COMMISSION

1. Background and purpose.—In their second motion for reconsideration, the petitioners bolstered their prayer for a declaration of mistrial in the double murder case involving the death of the late Senator Benigno Aquino and Rolando Galman, by stating among other things that on March 6, 1986, Deputy Tanodbayan Justice Manuel Herrera made revelations which had been published in the press "that Sandigan Justices and Tanodbayan prosecutors were ordered by deposed President Marcos to whitewash the Aquino-Galman murder case." Upon a consideration of said second motion for reconsideration, the Court required the respondents, as well as Deputy Tanodbayan Justice Manuel Herrera and the Solicitor General, to comment on the

same. While most of the respondents expressed their vigorous opposition to the second motion for reconsideration, mainly on legal grounds, the parties most directly involved in the revelation made by Justice Herrera manifested conformity to the reopening or retrial of the double murder cases should this Honorable Court find sufficient cause to justify the same. Respondent former Tanodbayan Bernardo P. Fernandez declared that he "would welcome such development so that any wrong that had been caused may be righted and so that, at the very least, the actuation of the herein respondent may be reviewed and re-examined, confident as he is that the end will show that he had done nothing in the premises that violated his trust as Tanodbayan (Ombudsman)."

In his separate comment, Deputy Tanodbayan Justice Herrera affirmed the allegations attributed to him in the second motion for reconsideration and further explained, amplified and augmented the same. Respondent former Sandiganbayan Presiding Justice Manuel R. Pamaran and Associate Justice Augusto M. Amoros and Blasvenido C. Vera Cruz, who constituted the First Division of the Sandiganbayan that tried and decided the double murder case, asserted that they "would not interpose any objection to the re-opening of these cases, if only to allow Justice to take its course," should it be proven that "the former Tanodbayan and the Deputy Tanodbayan were pressured into suppressing vital evidence which would probably alter the result of the trial."

In his comment, Solicitor General Rodolfo A. Ordoñez observed "that a declaration of mistrial and a retrial of the double murder case will depend mainly and solely on the veracity of the evidence supportive of the petitioners' claim in the second motion for reconsideration. Of course, this will require reception of evidence. And the appropriate way *x x x* by which the task can be undertaken is for this Court to appoint or designate a commissioner or a body of commissioners that will hear and receive evidence of the charge of collusion and pressure."

Similar sentiments were expressed by some of the other respondents. In his comment, respondent General Oliverio stated that the "factual issue of alleged pressure on the Tanodbayan, Sandiganbayan and the Marcos Supreme Court can only be determined by a full-blown trial on the merits," in which Deputy Tanodbayan Herrera "must submit himself to cross-examination" (Rollo, Vol. II, p. 450).

Respondent Hermilo Gosaico, for his part, observed that the "second motion for reconsideration *x x x* raised factual issues that can only be verified and proven in a full-blown trial" (Rollo, Vol. II, p. 473).

In their Consolidated Reply, the petitioners expressed their conformity to the suggestion of the Solicitor General that commissioners be appointed to hear and receive evidence on the charges of collusion and pressure (Rollo, Vol. II, p. 638).

It was presumably in pursuance of the observation of the Solicitor General and the expressed conformi-

ty thereto of the respondents alluded to in the revelation made by Justice Herrera that this Commission was created. In the aforementioned Resolution of June 5, 1986,

"The Court Resolved to APPOINT a three-member commission, composed of retired Supreme Court Justice Conrado M. Vasquez, chairman, and retired Intermediate Appellate Court Justices Milagros German and Eduardo Caguioa as members, to hear and receive evidence, testimonial and documentary, of the above-cited charges of collusion and pressures and relevant matters, upon prior notice to all parties, and to submit their findings to this Court for proper disposition. The said commission is given a period of thirty (30) days from notice hereof within which to receive the evidence from the parties and fifteen (15) days thereafter to submit their findings and report to this Court."

2. Organization.—The Chairman and Members of the Commission took their oaths of office before the Honorable, the Chief Justice, on June 11, 1986. Atty. Gloria C. Paras, Clerk of Court of the Supreme Court, was designated as Clerk of Court of the Commission. For its support personnel, some employees of the court, including several stenographers, were assigned to the Commission.

II

PROCEEDINGS TAKEN

1. Dates, Time and Place of Hearing.—On the same date that the Commission assumed office on June 11, 1986, notices were issued to all the parties for the initial hearing set on June 16, 1986 at 9:00 o'clock in the morning. Before the said hearing started, the Commission announced that the hearings will be held every working day thereafter, starting at 9:00 in the morning, to continue in the afternoon if the need therefor shall arise.

The Commission conducted hearings on nineteen (19) days, starting on June 16, 1986 and ending on July 16, 1986. There were hearings on all the working days of said period, except on July 10, 1986 when only a handful of the parties and no witnesses appeared presumably due to the inclement weather on said date; (The government employees were allowed to go home as early as 9:30 a.m.) and on July 15, 1986, when no hearing was held to enable the respondents to file their proposed motion with the Supreme Court supposedly to allow

the taking of the deposition of President Marcos, before the single rebuttal witness of the petitioners shall be made to testify on July 16, 1986.

The hearings were held in the main session hall of the Supreme Court, except on two (2) occasions when the hearings were transferred to the Conference Room of the Second Division due to the unavailability of the main session hall. All hearings were open to the public, with considerable media coverage.

2. Procedure followed.—At the start of the hearings, the Commission announced the ground rules to be observed in the proceedings. Among others, and taking into account the relative significance of the proceedings and the sensitive nature of the issues involved therein, the parties were told that the hearings will be conducted as in a regular court trial, and that the rules of evidence will be applied, with "some leeway for liberality." Permission was given for the parties to file appropriate motions or pleadings so long as they are relevant to the issues being looked into by the Commission.

3. Appearances for the parties.—The petitioners were represented by Atty. Lupino Lazaro and Arturo de Castro.

A battery of lawyers appeared for the respondents, namely:

1. Atty. Norberto J. Quisumbing, for respondent P. Olivas
2. Atty. Antonio R. Coronel, for respondent General Ver and Col. Tigaa, Jr.
3. Atty. Rodolfo U. Jemenez, for respondent General L. A. Custodio, et al.
4. Atty. Alfonso S. Cruz, for respondent Justice B. Fernandes
5. Atty. Edgardo B. Gayao, for respondent Justice M. Pamaran
6. Atty. Felix Solomon, for respondent Col. A. Custodio
7. Atty. Ramon M. Bernaldo, for respondent H. Goseuico
8. Justice Romulo Quimbo for respondent B. Vera Cruz

The counsels for the eight (8) respondents or sets of respondents were each allowed to cross-examine separately the witnesses presented by the petitioners.

4. Witnesses and documentary evidences presented.—The petitioners presented seven (7) witnesses:

1. Deputy Tanodbayan Justice Manuel Herrera
2. Tanodbayan Justice Raul Gonzales
3. Atty. Francisco Villa, a deputy general counsel of the Agrava Fact-Finding Board

4. Mr. J. Fenix, a photographer of the "Inquirer"
5. Kiyoshi Wakamiya — a Japanese free lance journalist
6. Ms. Rebecca Quijane
7. Mr. Feliceo Bolerita — a Tanodbayan stenographer as a rebuttal witness

Respondents, on the other, presented as their witnesses the following:

1. Former Tanodbayan Justice Bernardo Fernandez
2. Former Sandiganbayan Presiding Justice Manuel R. Pamaran
3. Mr. Benjamin del Mundo, deputy sheriff of the Sandiganbayan
4. Atty. Ramon Bernaldo, counsel for respondent Hormilo Goseuico

The petitioners presented 59 documentary exhibits marked as Exhibits "A" to "JJ", including their sub-markings. The respondents presented a total of 340 documentary exhibits in three (3) sets, namely, that for respondents Justice Fernandez, for General Ver and Col. Tigaa, and for Justice Pamaran, which were marked separately, some of which were adopted by the other respondents.

The testimonies of the witnesses were recorded in 1,702 pages of transcripts, some of them having been typed single space.

Halfway in the course of the proceedings, the respondents manifested a desire to present the testimony of former President Marcos, at first to testify as a witness, and later, by way of a deposition. On June 30, 1986, respondents General Ver and Colonel Tigaa filed a motion praying "that this Commission make representations with the national leadership to allow President Ferdinand E. Marcos to come to the Philippines so that he may be utilized as a witness for the movants (respondents) in these proceedings." After the petitioners filed their Opposition to said Motion, the Commission issued its Resolution dated July 2, 1986, declaring that:

"Without passing on the alleged absolute necessity of making former President Marcos testify in these proceedings to refute the testimony of Deputy Tanodbayan Herrera in the light of the possibility that the same purpose could be achieved by presenting other witnesses who are all presently available, the Commission is of the considered view that it would be presumptuous and inefficient on its part to favor the request of movants. The matter of allowing former President Marcos to return to the Philippines, for any purpose

whatsoever, under the prevailing circumstances, has not been resolved with certitude and finality by the national leadership. Hence, to make the representations prayed for by the movants would in effect assume that a decision had already been made on that question of policy which transcends the simple necessity of presenting the former President Marcos as a witness in a fact-finding investigation, if not preempt the determination of the same."

When the hearings are about to close, the respondents announced in open session their intention to secure a deposition of former President Marcos to be used as part of their evidence. The Commission, in the hearing on July 14, 1986, advised the respondents to file their motion to be allowed to get such deposition with the Supreme Court, such matter, in the opinion of the Commission, not being within its competency to act upon. The Commission gave the respondents a period of two (2) days to file the proper pleading or motion with the Supreme Court for that purpose.

At the hearing on July 16, 1986, after all the witnesses of the petitioners and the respondents have testified, and the only possible remaining evidence for the respondents would have been the projected deposition of former President Marcos, the respondents announced in open session that they have decided to forego the taking of said deposition inasmuch as the testimony of the proposed deponent would be merely corroborative of the testimonies of respondents Justice Pamaran and Tanodbayan Justice Fernandez.

While the Commission, time and again, expressed its intention and desire to comply with its task within the limited time frame granted by the Supreme Court, adequate leeway was allowed the parties, particularly the respondents, to present whatever evidence they desired to offer and to fully cross-examine the witnesses on any matter pertinent or relevant to the issues involved.

5. No memoranda filed.—Upon the close of hearings, and with the Commission half-expecting the parties to ask for the opportunity to file their respective memoranda (which they reportedly announced during the course of the proceedings), the respondents manifested that they do not intend to file any memorandum with the Commission, but would do so in the Supreme Court. The Commission was prepared to give the parties

a reasonable period to file their memoranda which, undoubtedly, would have been of great help in the preparation of this Report; but considering the aforesaid manifestation of the respondents, which was subsequently joined in by the petitioners, the Commission desisted in requiring memoranda to be filed. It was also feared that the filing of memoranda would leave the Commission very limited time to comply with the directive to submit its Report within fifteen (15) days after the close of hearings.

III THE FACTUAL ISSUES INVOLVED

The Resolution of June 5, 1986 directed the Commission "To hear and receive evidence, testimonial and documentary, of the above-cited charges of collusion and pressures and relevant matters." The evidence presented by the parties centered on two principal points, to wit: (1) the alleged pressure exerted by the former President on the Sandiganbayan and the office of the Tanodbayan and its Prosecuting Panel in the handling of the Aquino-Galman double murder case, and (2) the implementation of or compliance with such pressure.

On the first point, the petitioners presented the testimony of Deputy Tanodbayan Justice Manuel Herrera regarding a conference called by President Marcos in the early evening of January 10, 1985 to which were summoned Sandiganbayan Presiding Justice Manuel R. Pamaran, Tanodbayan Justice Bernardo Fernandez, Deputy Tanodbayan Justice Manuel Herrera, Pasay City Fiscal Ernesto A. Bernabe and Tanodbayan Special Prosecutor Leonardo Tamayo, the last three (3) being the members of the Special Investigating Panel (converted later into the Special Prosecution Panel) that was constituted to conduct the preliminary investigation of the case. It was at said conference that President Marcos supposedly indicated how he wanted the double murder case handled and disposed of.

On the second point, the petitioners' evidence detailed certain specific instances when such pressure continued to be made to bear and how the same was manifested or carried into effect by both the prosecution and the Sandiganbayan, as well as by other parties aligned with the former administration. The specific acts cited by the petitioners included, among others, the changing of the recommendation of the Prosecution Panel to charge all the twenty-six

(26) accused as principals into charging some only as accomplices or accessories; the directive as to the preventive custody of the accused pending trial; the handling of the case by Justice Pamaran himself, the alleged lack of a valid raffling of the case to the First Division of the Sandiganbayan; the coaching of witnesses and defense counsels, certain acts showing collusion between the court, the prosecution and the defense; partiality manifested by the justices trying the case; the failure of the prosecution to present all available witnesses and to exhaust all possible remedies against adverse rulings; suppression of evidence; harassment of prosecution witnesses; and the monitoring of the proceedings by Malacañang.

We shall endeavor to expose the evidences presented by both the petitioners and the respondents on the matters stated above, and elucidate on our appreciation of the same.

IV THE MALACAÑANG CONFERENCE

The holding of a meeting in Malacañang Palace in the early evening of January 10, 1985, as testified to by Justice Herrera, was admitted by respondents Justice Fernandez and Justice Pamaran. Summoned to said meeting by former President Marcos were respondents Justice Pamaran and Justice Fernandez, Justice Herrera, and the two other members of the Special Investigating Panel, namely, Pasay City Fiscal Ernesto Bernabe and Tanodbayan Special Prosecutor Leonardo Tamayo.

The aforementioned officials went to Malacañang in separate groups. Justice Fernandez, who informed Justice Herrera, Fiscal Bernabe and Prosecutor Tamayo about the Malacañang summons, asked the three to see him first at the office of the Tanodbayan in J.P. Laurel Street. After discussing their stand on the filing of the charge in the Aquino-Galman murder case, they proceeded to Malacañang in two separate cars. Justice Fernandez and Fiscal Bernabe were in one car, while Prosecutor Tamayo rode with Justice Herrera in the latter's car. On their way to Malacañang, Justice Herrera and Prosecutor Tamayo dropped by nearby St. Jude's church to pray.

Upon arriving at the inner gate to the Palace grounds, Justice Herrera and Prosecutor Tamayo alighted from their car and walked to the main entrance of the Palace, and proceeded to go up the stairs to the reception hall in the second floor where Justice Herrera noticed the

presence of three former Comelec Commissioners. While thereat, an employee told them to take another way in seeing President Marcos. They were asked to go back to the lobby and to take a back stairs that led to the ceremonial hall called "Bulwagan" in the second floor. Upon arriving thereat, Justice Herrera notice Justice Pamaran who was seated in a dark corner thereof. Justice Fernandez and Fiscal Bernabe arrived shortly thereafter. Justice Fernandez asked Justice Pamaran why he was there, to which Justice Pamaran responded with a smile. After Justice Fernandez had a short huddle with his fiscal, the group was ushered into a small room located behind the president's study room where he normally receives callers and guests. They were joined therein by the First Lady and Presidential Legal Assistant Justice Manuel Lazaro, and shortly later by President Marcos.

In the room was a small table behind which President Marcos sat. He was just in slippers and dressed in a pajama robe, and appeared to be weak and suffering from some ailment. Justice Herrera described his appearance as with a puffed face, bloated hands, and he was groping for words, although he spoke in a lucid way (TSN, June 16, 1986, p. 89). The First Lady and Presidential Legal Assistant Justice Manuel Lazaro who took notes during the meeting stood behind President Marcos. The First Lady left after introductions were made.

Justice Pamaran and Justice Fernandez stood to the right and left of the table, while Justice Herrera, Fiscal Bernabe and Prosecutor Tamayo remained at a distance of about two meters in front of the table of President Marcos.

Justice Herrera's version of the conference:

Justice Herrera declared that before they went to Malacanang, the Special Investigating Panel had already prepared a Resolution dated January 10, 1985 recommending that all the twenty-six (26) respondents named in the Agrava Board report be charged as principals of double murder for the killing of Senator Benigno Aquino and Rolando Galman (Exhibit B-1, TSN, pp. 44-50, June 16, 1986). The panel had already signed the said Resolution and had given an advance copy of the same to Justice Fernandez for his information and comment (Ibid, pp. 48, 57).

Justice Herrera continued to declare that before they were ushered into the room where they met Presi-

dent Marcos, Justice Pamaran mentioned to him the matter of detention of the accused in the City Jail upon their being charged before the Sandiganbayan (Ibid, pp. 61-66); that once inside the room, and after introductions were made, the first thing that President Marcos uttered was "Who prepared this resolution?" referring to a document on the table (Ibid, p. 67). Although he had no chance to verify the identity of the said document, Justice Herrera presumed that the document referred to by President Marcos was the Resolution of the Special Investigating Panel, Exhibit B-1 (Ibid, p. 68). Justice Herrera readily admitted that the members of his panel were the ones who prepared the resolution (Ibid).

The former President then said that "the boys are already frantic" without indicating the precise reason. He then theorized that it was Galman who shot Aquino, as testified to by Dr. Nufes in the Agrava Board hearings. Justice Herrera argued that on the basis of the physical evidence they had, they were fully convinced that Galman could not have been the one who shot Aquino, or that the communists ordered him to do so. Considering, however, the physical condition of the former President at that time, Justice Herrera did not vigorously press his arguments (Ibid, pp. 68-70).

The meeting lasted about two hours with President Marcos doing most of the talking, although Justice Pamaran and Justice Fernandez joined in the discussion every now and then (Ibid, p. 76). About the middle part of the meeting, President Marcos became convinced that it would be better to charge all of the accused before the Sandiganbayan, saying that —

"You know, if the respondents will not be charged now, there is problem of course, as long as I am staying in office as President, but just in case I will be out of office or I am no longer here as President, there is a possibility that there will be witnesses who will come out and point to the respondents. So it is better that they be charged now and be acquitted by the Sandiganbayan" (Ibid, pp. 80-81).

While Justice Herrera could not recall if it was President Marcos or Justice Pamaran who brought out the idea of availing of the doctrine of double jeopardy, he stated that Justice Pamaran took a very active part in its discussion, and finally said "Yes, Mr. President. I think that is the better part of the proceedings," the "better arrangement; the better part of it" (Ibid, pp. 83, 85).

After agreement was reached on this course of action to be taken, President Marcos indicated that the

respondents should be "categorized, in such a manner that some of the respondents will be charged as principals, some as accessories, and some as accomplices" (Ibid, p. 75). Although he did not directly say "you acquit this, you convict this," there was no doubt that he wanted all of the respondents in the double murder case to be acquitted; so that they can benefit by the principle of double jeopardy (Ibid, p. 79). This was the reason why the Resolution dated January 10, 1985 (Exhibit B-1) which recommended the filing of the double murder charges against all the accused as principals had to be revised. Justice Fernandez was originally in conformity with the view that all the accused should be charged as principals, but he had to accede to the instruction of President Marcos to categorize them (Ibid, p. 90, 92).

Justice Herrera further testified that on the matter of the preventive custody of the accused pending trial, no mention by anyone was made of any presidential decree authorizing commanding officers of military personnel accused of crimes to have custody of such accused pending trial; and that it was only when this issue was raised in the Supreme Court that a presidential decree surfaced justifying the order of the Sandiganbayan giving the custody of the accused to their commanding officers (Ibid, p. 100). President Marcos expressed apprehension if the accused would be confined in the City Jail, and gave instructions to find a way for them to be confined elsewhere (Ibid, p. 101). Justice Pamaran informed President Marcos that, normally, an accused charged in the Sandiganbayan with a capital offense who is not granted or cannot post bail, is confined at the City Jail of Manila. The categorization of the accused was intended to allow those not charged as principals with double murder to post bail (Ibid, p. 99).

On the matter of what court shall try the case, President Marcos told Justice Pamaran "point-blank" that he should be the one to personally handle the case. When asked as to how long it would take, Justice Pamaran replied that he could finish it in two to six months (Ibid, pp. 96-98).

After the conferees had agreed on the filing of the charges against all of the twenty-six respondents in categorized capacities, President Marcos said, "Okay, mag more-more na lamang kayo" (Ibid, pp. 110-112).

At the end of the two-hour conference, the former President said, "Gentlemen, I am tired. I want to rest. Thank you for coming"; "thank you for your cooperation, I know how to reciprocate" (Ibid, p. 86).

After stepping down from the Palace and while still in its grounds, Justice Herrera told Justice Fernandez his desire to resign from the prosecution panel, and possibly from his position as Deputy Tanodbayan (Ibid, p. 87, 102). This was because after they stepped out of the room where they left the President, Justice Fernandez told Justice Herrera to revise the resolution of the Special Investigating Panel, as instructed by President Marcos, to categorize the accused in the case, to which Justice Herrera expressed his firm objection (Ibid, pp. 93-95). He felt so frustrated, "down and out" in his words, and would have insisted on his resignation were it not for the plea of Justice Fernandez to stay in order to avoid the bad publicity that such move would produce (Ibid, pp. 103-104).

On cross-examination, Justice Herrera admitted that he did not see the copy of the resolution on the top of the desk of the President. He assumed that it was a copy of the panel's Resolution dated January 10, 1985 (Exhibit B-1), a copy of which had been earlier furnished Justice Fernandez, because President Marcos discussed with the panel the contents of the same. It could not have been another resolution recommending dismissal of the case which was prepared by Justice Manuel Lazaro inasmuch as President Marcos looked irked and angry when he asked for its author and disputed its contents. Justice Herrera further explained the fact that, although the resolution was prepared since January 10, 1985, it was only on January 14, 1985 that it was formally transmitted to Justice Fernandez by virtue of an indorsement dated January 11, 1985. He said that Justice Fernandez had originally wanted to withhold the release of the resolution, but when news reporters egged him to bring it out, Justice Fernandez asked Justice Herrera to attend a press conference in the afternoon of January 10th on said resolution. The rush call from "Olympus" (the code name used to denote Malacañang) aborted the press conference. In frustration for being blamed for "foot-dragging" in the release of the resolution, Justice Herrera told his staff to transmit the same to Justice Fernandez on January 11, 1985 and the same was received in the latter's office on January 14, 1985 (TSN, July 17, 1986, pp. 28-35).

Further on cross-examination, Justice Herrera declared that as far as he was concerned, he did not succumb to the pressure from the Palace, and thereby was "castigated by Malacañang," and became the subject of

shadowing and surveillance, and veiled threats over the telephone (Ibid, pp. 45-46); that his exposé was not caused by the call for courtesy resignations by the new government (Ibid, p. 47); nor to cater to the demonstrators in the streets (Ibid, p. 48); that his exposé was triggered by an interview with a news reporter who asked his opinion about the petition to reopen the Aquino-Galman murder case which had been filed in the Supreme Court (Ibid, pp. 47-48); that despite his "ambivalent" feelings, he decided not to resign because such act would be bad publicity for the administration and that, although he did not want to be part of the scripted scenario, he still entertained the hope that if all the evidence could be presented, the court would be overwhelmed and still convict the accused despite the pressure on it (Ibid, pp. 53-54, 56-57); that he had thought of disassociating himself from the case even before it was tried, he having had different views from those of Justice Fernandez on certain matters, but had to vow to the latter's decisions in deference to his being the chief of the office (Ibid, pp. 56-58); and that he acted in accordance with the dictates of his conscience and did his best under the circumstances then obtaining (Ibid, pp. 70-71).

The testimony of Justice Fernandez regarding the conference:

Respondent Justice Fernandez testified on his participation in the Malacañang conference of January 10, 1985 as follows:

He was present thereat (TSN, July 8, 1985, p. 45); President Marcos did not give instructions to categorize the accused, nor did he make insinuations to that effect (Ibid, p. 47); that he volunteered the view that the finding of a probable cause against the accused could not be avoided (Ibid, p. 48); that the meeting did not last two hours, as averred by Justice Herrera, because President Marcos was pale and appeared to be recuperating (Ibid, p. 49); that on January 9, 1985, Justice Lazaro called him up to inquire about press reports on a consensus having been reached to file the case; that in the afternoon of the following day, January 10, 1985, Justice Lazaro called again to say that the former President wanted to talk to the prosecution panel in the evening of that day (Ibid, pp. 49-50); that the President talked softly but coherently (Ibid, p. 50); that he speculated that the conference would be about the Aquino-Galman case for, otherwise "there would be no sense asking for people involved in it," (Ibid, p. 51) that he did not refuse the invitation because it would be "unbe-

coming to refuse a summons from the President (Ibid, p. 51);"

Justice Fernandez continued on direct examination to declare that in the Malacañang conference, President Marcos, holding some papers, asked the question "Who prepared this?", addressed to the panel; that in answer thereto, Justice Herrera approached the table and said that he was the one who prepared it (Ibid, p. 65); that he did not know what document the former President was referring to (Ibid, p. 65); that his group saw Justice Pamaran in Malacañang when they arrived thereat; that when he asked Justice Pamaran why he was there, the latter merely smiled (Ibid, p. 66); that when they entered the room, they saw Justice Lazaro therein; that President Marcos and the First Lady came in shortly thereafter; that there not having been enough seats to go around, everybody remained standing while the President sat at the table (Ibid, p. 66); that the former President was critical of the findings of the Agrava Board which he said were based merely on speculations and guesswork and may not stand in Court (Ibid, p. 67); that the President, who did most of the talking, discussed with the panel the merits of the case and some of its specific aspects, like the testimony of Dr. Nufiez on the trajectory of the bullet; that Justice Herrera defended the theory adopted by the Agrava Board (Ibid, pp. 68-69); that the former President did not specifically direct the acquittal of anybody, but it could "be perceived that he was up to something;" (Ibid, p. 70) that President Marcos did not order a categorization of the accused, but merely suggested that the case be studied very well (Ibid, pp. 71-72); that the former President was later convinced to abandon his original view to dismiss the case and agreed to have the charges filed against all the twenty-six accused, although not necessarily all as principals (Ibid, pp. 73-74); that he does not know what made President Marcos change his mind (Ibid, p. 74); that before proceeding to Malacañang he assembled the panel in his office at J. P. Laurel Street in order to have a consensus in the filing of the case (Ibid, p. 75); that upon leaving the Palace, Justice Herrera never intimated that he wanted to resign, and was in fact happy about the development (Ibid).

Continuing his direct testimony, Justice Fernandez stated that in the Malacañang meeting, the matter of custody was indeed taken up, with the former President remarking that it was a matter of law and there should be no problem about it (Ibid, p.m. session, pp. 7-8); that he does not

remember President Marcos saying that "the boys are frantic" (Ibid, p. 8); and that mention was made about some rules concerning the custody of accused military personnel with their commanding officers (Ibid, pp. 10-11).

The Pamaran version:

Upon taking the witness stand, Justice Pamaran announced that he would be testifying not as a witness for the respondents, inasmuch as he is merely a "nominal party," but for the sole purpose of protecting his name against the imputations made by Justice Herrera (TSN, July 11, 1986, pp. 6-8).

Answering questions of his counsel, Justice Pamaran affirmed his presence at the Malacañang conference (Ibid, p. 12). He declared that a Malacañang aide called him at around 5:00 p.m. of January 10, 1985 and told him that the President wanted to see him at the Malacañang study room before 6:00 p.m. (Ibid, p. 13); that the one who called could not tell him what the President wanted to see him about; that he responded to the call anyway "for the reason that I respect the Office of the President; for curiosity also and really to find out what it is all about." (Ibid, p. 14) that he did not actively participate in the discussion because he was not yet familiar with the case the same being then still under preliminary investigation by the Tanodbayan (Ibid, pp. 14-15); that he was not the one who remarked "that is a better arrangement" to the plan of filing the case so that in case of acquittal, double jeopardy could attach (Ibid, pp. 14-15); that President Marcos did not instruct him to personally handle the case, and he did not assure the President that he would do it inasmuch as cases in the Sandiganbayan are assigned to a division by raffle (Ibid, p. 16); that it is true that President Marcos asked him as to how long it would take him to terminate or finish the trial of the case, to which he answered that a case maybe terminated in a period of one, two, three or eight months, or even more than a year, depending on the number of the accused, the number of witnesses presented, and the complexities of the issues involved (Ibid, p. 17); that President Marcos asked him about the policy of the Sandiganbayan with respect to the custody of persons accused of non-bailable offenses, to which he replied that in such cases, the accused is given to the custody of the warden of the City Jail of Manila, which is the nearest jail to the Sandiganbayan (Ibid, p. 18); and that it is not true, as testified to by Justice Herrera, that he called up the latter

to ask that the informations be filed immediately so as to take advantage of the absence of media people (Ibid, pp. 18-19).

When asked why he did not excuse himself from meeting with President Marcos considering the strong likelihood even at that time that the case would be filed in the Sandiganbayan, Justice Pamaran retorted that there was as yet no certitude that the Sandiganbayan would handle the Aquino-Galman case; and, besides, his respect for the Office of the President made him think that it would be discourteous to refuse the invitation, and that, at any rate, it was his "firm belief" that being present (in the conference) "does not necessarily mean surrendering one's independence;" (Ibid, p. 20) that moreover, even if the case is filed with the Sandiganbayan, it is not certain that it would be raffled to the division headed by him (Ibid, p. 21).

Utilized by counsel for respondents General Ver and Colonel Tignas as their witness, and in answer to questions of said counsel, Justice Pamaran declared that President Marcos gave no order or suggestion to him to whitewash the proceedings nor to pronounce a verdict of acquittal, the questions directed to him by President Marcos being merely on procedural or routinary matters, such as, about detention, raffling of cases, and the like (Ibid, pp. 22-23).

On cross-examination, Justice Pamaran testified that after the case was assigned to his division, he did not inhibit himself from trying the case because, after all, he discussed with the President only procedural matters and not the merits of the case (Ibid, p. 24); that although he was present at the Malacañang meeting throughout the entire period thereof, he was merely "passive," and his participation therein was only on procedural matters (Ibid, pp. 25-26); that he had an "inkling" or a "hazy idea" about the discussion on the merits of the case but he did not interest himself therein (Ibid, p. 27); that the subject of double jeopardy was taken up, but he did not make the remark "that is the better idea," nor participate actively in the discussion thereof (Ibid, pp. 28-29); that he was asked about the subject of custody (Ibid, p. 32); that TV monitors and TV cameras were allowed in the course of the proceedings, such being of public knowledge (Ibid, p. 32); but not during the raffle (Ibid, pp. 32-33).

Justice Pamaran, in trying to wiggle himself out of this Malacañang meeting with President Marcos said that in so far as he is concerned, only procedural matters were taken up

with him. Admitting without believing this to be true, yet, on a follow up question by Justice German on what procedural matters were those, he replied that — custody of the accused if they cannot post bail, assignment of the cases to the Division concerned, and the time frame within which to dispose of the cases (TSN, pp. 97-98, July 11, 1986). Precisely, these are the very matters which made up the directive of President Marcos.

Asked if his relationship with President Marcos was close or cordial, Justice Pamaran replied that it was "short of shall we say, 'pleasant relation'," as shown by the fact that despite his length of service in the judiciary and his dedication to his duties, he remained "stagnant" in his position "without any improvement at all." (Ibid, pp. 75-76). He further denied knowing the stand of President Marcos regarding the assassination of Senator Benigno Aquino despite the wide publicity given to it in media because he did not consider such media reports to be "evidentiary", nor even during the Malacañang conference on January 10, 1985 because of the passive attitude he adopted then, and President Marcos having spoken in a very low voice due to his ailment (Ibid, pp. 77-82). He could not remember if President Marcos said that the evidence gathered by the Agrava Board could not stand in Court (Ibid, p. 85). He admitted being in the United States when President Marcos made a state visit thereto in 1982, but claimed that he was not with the presidential entourage, but was on a separate program approved by the Supreme Court. He also admitted that while in the United States, he was formally and officially introduced by President Marcos, though incorrectly, as the Tanodbayan (Ibid, pp. 88-89).

He cannot recall nor be definite if in other decisions he rendered wherein the accused is acquitted, he declared the accused to be "innocent" of the crime charged (Ibid, pp. 93-95).

The Commission's appraisal of the evidence presented on the Malacañang conference:

The holding of the Malacañang conference on January 10, 1985 is a veritable example of the time-honored legal maxim "*Res ipsa loquitur*" (The thing speaks for itself). Considering the fact that it was called by President Marcos, the circumstances obtaining at that time, and the officials summoned thereto, the conclusion is inevitable that Malacañang had wanted the Aquino-Galman murder case to be handled and disposed of the way it desired.

The presidential summons came at a time when the preliminary investigation of the said cases conducted by the Special Investigating Panel had just been terminated, and said panel had already prepared its resolution recommending that all the twenty-six (26) respondents named in the Agrava Board majority report be charged as principals of the crime of double murder (Exhibit B-1). Had President Marcos delayed his move, say, after the case was already filed in Court, it would have been too late to do something about it. Justice Fernandez himself admits that, as of that time, his own view was in conformity with that of the Special Investigating Panel to charge all of the twenty-six (26) respondents as principals of the crime of double murder. The need for acting right away was apparently realized by President Marcos who did not hesitate to hold that conference despite his admittedly precarious state of health at that time. It was also evident that he considered the matter important enough to be left for handling by any of his trusted subordinates or confidential assistants.

That the conference was called to discuss the said double murder case was not disputed. Justice Pamaran pretended that he was unaware of the reason for having been summoned to Malacañang. If true, it could only mean that he entertained other ideas on why President Marcos wanted to see him for, without necessarily excluding the possibility that it could be in connection with the much talked-about Aquino murder case which was then impending to be filed with the Sandiganbayan. Justice Fernandez, for his part, never entertained the thought that it could be for some other purpose. He asked the Special Investigating Panel to meet with him in his J. P. Laurel office before going to Malacañang in order, in his own words, "to have a consensus" in connection with their stand in the case. It would have been utterly naive on their part to assume that the former President had wanted to see them about matters unrelated to the Aquino-Galman cases. The timing of the summons, the officials asked to attend and the undignified and well-publicized interest of Malacañang in said case could leave no doubt as to what the former President had in mind. As earlier stated, respondent Justice Fernandez himself candidly admitted that, the day before the conference, Justice Lazaro called him up inquiring about the press reports of the prosecution's impending move to file the charge in court, which he affirmed to Justice Lazaro (TSN, July

8, 1986, p. 49). Undoubtedly anticipating presidential displeasure at their recommendation to charge all the twenty-six (26) respondents as principals, Justice Herrera and Prosecutor Tamayo dropped by the nearby St. Jude Church to pray for spiritual guidance.

The supposition that the conference was called to discuss the Aquino-Galman case became a living reality from the moment the conference started. Justice Herrera testified that the first question asked by President Marcos was as to who prepared the document on his desk. Respondent Justice Fernandez also confirmed this fact. While attempts were made to make it appear that the said document could not have been the resolution of the investigating panel dated January 10, 1986 which recommended the filing of double murder charges against all of the twenty-six (26) accused as principals, here could be little doubt that it was indeed said resolution, Exhibit "B-1", that the former President was referring to. He would not have appeared irked and irritated when he asked that question if the document were, as insinuated by the respondents, a resolution prepared by someone not connected with the Office of the Tanodbayan which recommended the dismissal of the murder charges. Exhibit "B-1" was already prepared as of the morning of January 10, 1986. While it is not shown how a copy thereof came into the possession of President Marcos, its identity as a copy of Exhibit "B-1" is sustained by the undisputed showing that Justice Herrera readily admitted authorship thereof, and by the subsequent discussion of its contents which disputed the theory that Galman shot Benigno Aquino and recommended that all of the twenty-six (26) respondents in the case be charged as principals.

The desire of President Marcos to have the Aquino-Galman case disposed of in a manner suitable to his purposes was quite understandable and was but to be expected. The case had stirred unprecedented public outcry and wide international attention. Not invariably, the finger of suspicion pointed to those then in power who supposedly had the means and the most compelling motive to eliminate Senator Aquino. A day or so after the assassination, President Marcos came up with a public statement aired over television that Senator Aquino was killed not by his military escorts, but by a communist hired gun. It was, therefore, not a source of wonder that President Marcos would want the case disposed of in a manner consistent with his

announced theory thereof which, at the same time, would clear his name and his administration of any suspected guilty participation in the assassination.

The calling of the conference was undoubtedly to accomplish this purpose. The officials called to Malacañang were those who were directly involved in the prosecution of the case, to wit, Tanodbayan Justice Fernandez and the three (3) members of the special panel constituted by him to conduct the preliminary investigation. Also summoned was Presiding Justice Manuel R. Pamaran of the Sandiganbayan, with which Court the case would be filed if the preliminary investigation shall result in the finding of a probable cause against the twenty-six (26) respondents, or even only as to some of them.

President Marcos made no bones to conceal his purpose for calling for them. From the start, he expressed irritation and displeasure at the recommendation of the investigating panel to charge all of the twenty-six (26) respondents as principals of the crime of double murder. He insisted that it was Galman who shot Senator Aquino, and that the findings of the Agrava Board were not supported by evidence that could stand in court. He discussed and argued with Justice Herrera on this point. Midway in the course of the discussion, mention was made that the filing of the charge in court would at least mollify public demands and possibly prevent further street demonstrations. It was further pointed out that such a procedure would be a better arrangement because, if the accused are charged in court and subsequently acquitted, they may claim the benefit of the doctrine of double jeopardy and thereby avoid another prosecution if some other witnesses shall appear when President Marcos is no longer in office.

President Marcos appreciated the wisdom of said strategy but expressed apprehension about the preventive custody of the military personnel involved, whom he said early in the discussion were "already frantic." When Justice Pamaran informed him that persons accused of capital offenses in the Sandiganbayan are confined in the City Jail of Manila if they are not granted bail, the subject of the discussion turned to "categorizing" the accused, meaning that some of them would be charged merely as accomplices or as accessories. (Even before the conference, such had been the expressed desire of Atty. General in behalf of his client General Ver as reported in the newspapers.)

After an agreement was reached as to filing the case, instead of dismissing it, but with some of the accused to be charged merely as accomplices or accessories, and the question of preventive custody of the accused having thereby received satisfactory solution, President Marcos took up the matter of who would try the case and how long it would take to be finished.

According to Justice Herrera, President Marcos told Justice Pamaran "not blank" to personally handle

This was denied by Justice Pamaran. No similar denial was voiced by Justice Fernandez in the entire course of his two-way testimony. Justice Pamaran explained that such order could not have been given inasmuch as it was not yet certain then that the Sandiganbayan would try the case and, besides, cases therein are assigned by raffle to a division and not to a particular Justice thereof.

It was preposterous to expect Justice Pamaran to admit having received such presidential directive. His denial, however, falls to pieces in the light of the fact that the case was indeed handled by him after being assigned to the division headed by him. A supposition of mere coincidence is at once dispelled by the circumstance that he was the only one from the Sandiganbayan called to the Malacanang conference wherein the said directive was given. Moreover, as will be shown later, there was no competent evidence presented by the respondents to show that the case was raffled to the Sandiganbayan First Division; or if so, why it was assigned to Justice Pamaran and not to one of the two other members of said First Division.

The giving of such directive to Justice Pamaran may also be inferred from his admission that he gave President Marcos the possible time frame when asked as to how long it would take him to finish the case.

The testimony of Justice Herrera that, during the conference, and after an agreement was reached on filing the case and subsequently acquitting the accused, President Marcos told them "Okay, mag moro-moro na lamang kayo"; and that on their way out of the room, President Marcos expressed his thanks to the group and uttered "I know how to reciprocate," did not receive any denial or contradiction either on the part of Justice Fernandez or Justice Pamaran. (No other person present in the conference was presented by the respondents. Despite an earlier manifestation by the respondents of their intention to present Fiscal Bernabe and

Prosecutor Tamayo, such move was abandoned without any reason having been given therefor.)

The facts set forth above are all supported by the evidence on record. In the mind of the Commission, the only conclusion that may be drawn therefrom is that pressure from Malacanang had indeed been made to bear on both the court and the prosecution in the handling and disposition of the Aquino-Galman case. The intensity of this pressure is readily deducible from the personality of the one who exerted it, his moral and official ascendancy over those to whom his instructions were directed, the motivation behind such instructions, and the nature of the government prevailing at that time which enabled the then head of state to exercise authoritarian powers. That the conference called to script or stage-mange the prosecution and trial of the Aquino-Galman case was considered as something anomalous that should be kept away from the public eye is shown by the effort to assure its secrecy. None but those directly involved were called to attend. The meeting was held in an inner room of the Palace. Only the First Lady and Presidential Legal Assistant Justice Lazaro were with the President. The conferees were told to take the back door in going to the room where the meeting was held, presumably to escape notice by the visitors in the reception hall waiting to see the President. Actually, no public mention was ever made of this conference until Justice Herrera made his expose some fifteen (15) months later when the former President was no longer around.

President Marcos undoubtedly realized the importance of the matter he wanted to take up with the officials he asked to be summoned. He had to do it personally, and not merely through trusted assistants. The lack of will or determination on the part of Justice Fernandez and Justice Pamaran to resist the presidential summons despite their realization of its unwholesome implications on their handling of the celebrated murder case may be easily inferred from their unquestioned obedience thereto. No effort to resist was made, despite the existence of a most valid reason to beg off, on the lame excuses that they went there out of "curiosity," of "out of respect to the Office of the President," or that it would be "unbecoming to refuse a summons from the President." Such frame of mind only reveals their susceptibility to presidential pressure and lack of capacity to resist the same. The very acts of being summoned to Malacanang and their ready acquiescence thereto under the

circumstances then obtaining, are in themselves pressure dramatized and exemplified. Their abject deference to President Marcos may likewise be inferred from the admitted fact that, not having been given seats during the two-hour conference (Justice Fernandez said it was not that long, but did not say how long) in which President Marcos did the talking most of the time, they listened to him on their feet. Verily, it can be said that any avowal of independent action or resistance to presidential pressure became illusory from the very moment they stepped inside Malacanang Palace on January 10, 1985.

How did the conferees respond to the presidential bidding? Acquiescence manifested itself even during the conference. Except for Justice Herrera who defended the recommendation of his investigating panel against the original view of President Marcos to have the case dismissed supposedly due to the lack of sufficient evidence, there was no showing by the respondents that either Justice Pamaran or Justice Fernandez disputed, opposed or argued against any suggestion or directive of President Marcos. On the contrary, when it was finally agreed to file the case with the Sandiganbayan with the qualification that some of the accused would only be charged as accomplices or accessories, Justice Fernandez showed his ready compliance with such directive by telling Justice Herrera to amend the resolution of the investigating panel along said line, even as they were still in the Palace grounds.

The pressure exerted in Malacanang for the Sandiganbayan and the Office of the Tanodbayan to follow a scripted scenario in the handling of the Aquino-Galman murder case would not have mattered much if it consisted merely of what was said or agreed upon during the conference and shortly after the same. Needless to say, the more significant inquiry is on whether the Sandiganbayan and the Office of the Tanodbayan actually succumbed to such pressure, as may be gauged by their subsequent actions in their respective handling of the case. As the saying goes, "The proof of the pudding is in the eating."

After a careful review of the evidence presented before it, the Commission arrived at the considered view that the pressure exerted by President Marcos in the conference held on January 10, 1985 pervaded the entire proceedings of the Aquino-Galman case, and manifested itself in several specific incidents and instances during such proceedings.

We shall enumerate such instances, the evidences presented in connection therewith, and our appraisal of such evidences.

[Text]

1. The changing of the Resolution dated January 18, 1985. — The very first manifestation that Justice Fernandez found himself unable to resist the presidential directives given in the conference was his instruction given to Justice Herrera just after coming from said conference to amend his draft resolution of January 10, 1985 by categorizing the accused, instead of charging them all as principals.

Justice Fernandez denied having given such instruction to Justice Herrera. We perceive scant credibility in said denial, considering that while the draft resolution of the Herrera panel dated January 10, 1985 (Exhibit "B-1") recommended that all the twenty-six accused be charged with the crime of double murder without categorization as to their respective criminal liabilities, the resolution dated January 18, 1985, prepared after the Malacañang conference (Exhibit "T," Exhibit "13" — Fernandez) which Justice Fernandez approved, in fact categorized the several accused in the manner directed by President Marcos. His attempt to show that Exhibit "B-1" did not exist or was not known to him before January 10, 1985 may not prevail over his admission that, in the conference, President Marcos angrily demanded as to who prepared the document on his desk, which Justice Herrera assumed to be a copy of Exhibit "B-1" and which he readily admitted as having been prepared by him and his panel; and that, on January 9, 1985, Justice Lazaro already expressed to Justice Fernandez the apprehension of the President about the published reports on the impending move of the Tanodbayan to file the case in court, and which accounted for the holding of the conference on January 10, 1985. If, as intimated by Justice Fernandez, the document on the desk of President Marcos was a different draft resolution supposedly prepared by the Herrera panel which already recommended the categorization of the several accused, of which Justice Herrera denied knowledge (Exhibit "1" and "2" — Fernandez), there would have been no need for President Marcos to specifically direct such categorization, or even express concern over the custody of the accused. Further, Justice Fernandez never denied the claim of Justice

Herrera that the draft resolution of January 10, 1985 (Exhibit "B-1") was to have been the subject of a press conference on the afternoon of said date which did not go through due to the summons for them to go to Malacañang in the early evening of said date.

It is a fact that the resolution approved by Justice Fernandez dated January 18, 1985 categorized the accused, and the two informations filed in the Sandiganbayan charged the twenty-six accused in the different categories indicated therein. While it is true that Justice Herrera affixed his signature to the Resolution dated January 18, 1985 and the two informations filed with the Sandiganbayan, he claimed that he was merely prevailed upon to do so by Justice Fernandez who pleaded with him to stay in the case to avoid unfavorable implications and whose authority as chief of the office he recognized.

The categorization may not be completely justified by saying that, in the mind of Justice Fernandez, there was no sufficient evidence to justify that all of the accused be charged as principals. The majority of the Agrava Board found the existence of conspiracy and recommended that all of the accused be charged accordingly. Without going into the merit of such finding, it may hardly be disputed that, in case of doubt, and in accordance with the standard practice of the prosecution to charge accused with the most serious possible offense or in the highest category so as to prevent an incurable injustice in the event that the evidence presented in the trial will show his guilt of the graver charge, the most logical and practical course of action should have been, as originally recommended by the Herrera panel, to charge all the accused as principals. As it turned out, Justice Fernandez readily opted for categorization which, not surprisingly, was in consonance with the Malacañang instruction.

2. Suppression of vital evidence; harassment of witnesses. — Realizing, no doubt, that a party's case is only as strong as the evidence it can present, unmistakable and persistent efforts were exerted in behalf of the accused to weaken the case of the prosecution and thereby assure and justify their eventual scripted acquittal. Unfavorable evidences were

sought to be suppressed, and some were indeed prevented from being ventilated. Adverse witnesses were harassed, cajoled, perjured or threatened either to refrain from testifying or to testify in a manner favorable to the defense. Specific examples brought out before the Commission are the following:

(a) Cesar Loterina, a PAL employee who testified before the Agrava Board sustaining the theory that it could not have been Galman who shot Aquino, subsequently recanted his said testimony. When he appeared in the office of Justice Herrera after said recantation was reported in the press, he told Justice Herrera that if called to testify before the Sandiganbayan, he would testify in accordance with his recantation. Not wanting to be burdened by a hostile witness, Justice Herrera sent him home (I.A.N., June 17, p. 4; June 20, 1986, pp. 65-69).

(b) Roberta Masibay, a step-daughter of Rolando Galman, testified before the Agrava Board on how Galman was taken by some military men from their house a few days before August 21, 1983. When subpoenaed to testify before the Sandiganbayan, she appeared before Justice Herrera, accompanied by some military men and an aunt, and told him that she would make some changes in her testimony, particularly with respect to the presence of the military people in said incident. Justice Herrera likewise had to discard her as a prosecution witness (I.A.N., June 17, 1986, pp. 8-9; June 30, 1986, pp. 75-76).

(c) Witnesses Viesca and Ranaa, who likewise gave testimonies before the Agrava Board and whom Justice Herrera had wanted to present before the Sandiganbayan disappeared all of a sudden and could not be located by the police. Their whereabouts is unknown, and it is not certain if they are still alive (I.A.N., June 19, 1986, p. 63; June 25, 1986, pp. 37-44).

(d) Kiyoshi Wakamiya, the Japanese free-lance journalist who was with Senator Aquino in the plane that brought him to the MIA on August 21, 1983, was the first person to make a public statement that Senator Aquino was not shot by Galman, but by one of his military escorts while still on the emergency stairs of the plane. True or not, there could be no question as to the materiality of his proposed testimony which, unfortunately for him, would run counter to

the theory being built up by the defense. The effort to stifle him was palpable, if crude, and displayed sheer abuse of power.

Wakamiya returned to Manila on August 20, 1984 to participate in the celebration of the first anniversary of the death of Senator Aquino who, admittedly was his friend and idol. Upon arriving at the MIA, however, he was confronted by immigration officials with a document ordering his deportation as an undesirable alien. He had to leave on the next plane for Tokyo.

He came again on August 21, 1985 accompanying a group of Japanese students and, among others, on invitation of Justice Herrera to testify in the case which was then being tried in the Sandiganbayan. Upon his arrival at the Manila International Airport, a shot was fired, and a soldier was seen running away by media men who sought to protect Wakamiya from harm by surrounding him (I.a.n., July 1, 1986, p. 62). When he was in the office of Justice Herrera on August 21, 1985 to discuss his testimony, a telephone call was received from the Japanese Embassy asking Wakamiya to go to the Sheraton Hotel to meet some members of the said Embassy thereat. Upon replying to the said hotel, a certain official of the Japanese Embassy told him that he must leave the country at once pursuant to an advice given by Immigration Commissioner Edmundo Reyes allegedly on orders of Malacañang. When Justice Herrera was told about this development, he requested Commissioner Reyes to allow Wakamiya to stay until he shall have testified the following Monday (it was a Friday then). Although Commissioner Reyes ostensibly agreed to said request, Wakamiya was forced to leave the following day (Saturday).

Wakamiya also mentioned that, in view of his inability to testify before the Agrava Board in Manila, he was asked to give his testimony when the said board went to Tokyo to get the testimonies of the witnesses residing thereat. In accordance with Japanese Law, he did not give his testimony before the Board itself but before some police officials in the presence of the Board. He claimed, however, that the English transcription of his testimony, as prepared by an official of the Philippine Embassy in Tokyo, was inaccurate and did not correctly reflect the testimony he gave. There was no clear showing, however, in what manner the English translation deviated from the original transcription of his testimony which was in Nippongo.

(s) Rebecca Quijano, popularly known as the "Crying Lady" because she allegedly cried after she witnessed the killing of Senator Aquino, she being in the same plane with him, had earlier indicated a version disputing the claim of the defense that Galman did the shooting. Undoubtedly in view of the considerable significance of her proposed testimony and its unfavorable effect on the cause of the defense, the efforts exerted to suppress the same was as much as, if not more than those in the case of Wakamiya. Persistent attempts to make her testify before the Agrava Board proved unsuccessful. She went into hiding. When she was finally located by agents of the National Bureau of Investigation and placed under arrest in connection with estafa charges filed against her, and brought to the said office for interrogation, Col. Balbino Diego came and tried to get custody of her, which was refused. After she left the NBI office, Miss Quijano became scarce once more. She recounted that she was in constant fear of her life, having been hunted by armed men; that their house in Tabaco, Albay was ransacked, her family harassed by the foreclosure of the mortgage on their house by the local Rural Bank, and ejected therefrom when she ignored the request of its manager to talk with her about her proposed testimony; that a certain William Farinas offered her plane tickets for a trip abroad; that Mayor Rudy Farinas of Laoag City kept on calling her sister in the United States to warn her not to testify; that, later, Rudy and William Farinas offered her two million pesos supposedly coming from Bangbang Marcos, a house and lot in Baguio, the dropping of her estafa case in Hong Kong, and the punishment of the persons responsible for the death of her father, if she would refrain from testifying.

It is a matter of record, however, that despite such cajolery and harassment, or perhaps because of them, Ms. Quijano eventually testified before the Sandiganbayan. Justice Herrera was told by Justice Fernandez of the displeasure expressed by Olympus at Justice Herrera's going out of his way to make Ms. Quijano to testify, and for his refusal to honor the invitation to attend the birthday party of the First Lady on May 1, 1985, as on the eve of Ms. Quijano's testimony on May 2, 1985. The insidious attempts to tamper with her testimony, however, did not end with her taking the witness stand. In the course of her testimony several notes were passed to Atty. Rodolfo Jimenez, the defense

counsel who cross-examined her, one of which suggested that she asked more questions about Dean Narvasa who was suspected of having coached her as to what to declare (Exhibit "D"); and on another occasion, at a crucial point in her testimony, a power brownout occurred, which lasted for about twenty minutes, throwing the courtroom into darkness, and making most of those present to scamper for safety, and Ms. Quijano to pass over the railing of the rostrum so as to be able to leave the courtroom. It was verified that the brownout was limited to the building housing the Sandiganbayan, it not having affected the nearby Manila City Hall and the Finance Building. Justice Herrera declared that the main switchboard of the Sandiganbayan electrical system was located beside the room occupied by Malacañang people who were keeping track of the proceedings (I.a.n., July 17, 1986, p. 20 and pp. 27-31).

After Ms. Quijano has given her direct testimony, all the defense counsels waived her cross-examination. Days later, the defense asked that she be recalled for cross-examination. Justice Herrera wanted to object to said move, but Justice Fernandez told him not to. It was Fiscal Bernabe who appeared on the hearing of the motion for the recall of Rebecca Quijano, and he simply manifested that he was leaving the matter to the sound discretion of the Court (I.a.n., *Ibid.*, pp. 13-15).

3. The discarding of the affidavits executed by US airmen. — The US Embassy submitted to the Sandiganbayan the affidavits of six US Air force men who, on August 21, 1983, five of whom were stationed at the US facility in Wallace Airfield in La Union and one in Villamor Airbase. The said affidavits purported to show that on said date, a group of Philippine Air force men led by a certain Captain Bandeng went to Wallace Airfield and asked the US Airmen who executed the affidavits for permission to use the said facility which they allegedly needed in order to scramble or intercept a plane that was coming to the Philippines on that date, and to divert it to its place of origin or to land in the Basa Airfield in Pangasinan. These facts were recorded in their logbook.

When the said affidavits were received by Justice Fernandez, he asked the members of the prosecution panel (then already backed up by the inclusion of two additional members, namely, Prosecutors Rodolfo Serrano and Ricardo Buenavieja) to read said affidavits and to give him their comments on the same. Justice Fernandez would not allow the members of the prosecu-

tion panel to have possession of the affidavit supposedly to prevent premature disclosure of the same. Despite his inability to obtain a copy of the said affidavit, Justice Herrera prepared his written comments thereon in a handwritten note addressed to Justice Fernandez dated September 9, 1985 (Exhibit "34" — Fernandez). It was not shown if the other members of the panel prepared their own comments or what their submissions were of the said affidavit. In his own hand-written comment, Justice Herrera expressed the view that the matters disclosed in the affidavit would be helpful to the prosecution inasmuch as they would support the prosecution's theory that the military knew that Senator Aquino was arriving on August 21, 1983 in a CAL plane, carrying Senator Aquino elsewhere would show a "wider conspiracy" with respect to his assassination.

In a draft Memorandum dated September 9, 1985, supposedly addressed to the Sandiganbayan from the Special Prosecuting Panel but which was admittedly prepared by Justice Fernandez himself, the opinion was advanced that the information contained in the affidavit is irrelevant to the trial of the Aquino-Galman case, and it was recommended that the matter of using them be considered closed and terminated (Exhibit "35-A" — Fernandez). Considering the identity of dates, this memorandum of Justice Fernandez was prepared simultaneously with the handwritten note of Justice Herrera on the same subject matter. The memorandum of Justice Fernandez made no mention at all of the view expressed by Justice Herrera, although in his note transmitting final draft of the Memorandum to the prosecution panel, which was undated, it was stated that the note of Justice Herrera was attached therewith (Exhibit "35" — Fernandez).

The draft Memorandum prepared by Justice Fernandez recommending the discarding of the affidavit of the US airmen was finalized, *ipsa limbo verbis*, in the Resolution dated September 11, 1985 which was signed by Justice Herrera and the four members of the prosecution panel and to which Justice Fernandez affixed his signature to indicate approval thereof (Exhibit "34"). Justice Herrera explained that he signed Exhibit "34" only after much convincing and coaxing by Justice Fernandez. He claimed that he first asked to be excused from signing it, but he eventually agreed to do so out of camaraderie, and after being promised by Justice Fernandez that he would be allowed to go on leave for one month if he would sign the same, but which was not done (U.n., June 17, 1986, pp. 23-24).

The actuation of Justice Fernandez in respect of the affidavit of the US airmen supplied by the US Embassy easily gives rise to the suspicion that he was acting under orders to prevent the disclosure or presentation of such evidence which undeniably would reflect adversely against the posture of the military in connection with the assassination of Senator Aquino. This intention could be also deduced from the effort of Justice Fernandez to prevent copies of the affidavit to fall into the hands of other persons, including the members of the Special Prosecuting Panel whom he asked to comment on the same. Atty. Francisco Villa, a member of the Agrava Fact-Finding Board prosecution panel who agreed to assist in the prosecution of the case before the Sandiganbayan, testified that he had attempted to secure from Justice Fernandez copies of the said affidavit, but was given the run-around, and he failed to get such copies until a news reporter gave him his own copies of the affidavit. When Atty. Villa asked the mediemen where he secured said copies of the affidavit, the latter answered that the same came from one of the defense counsels. Justice Herrera came into possession of the affidavit in the same manner.

In the Memorandum that he prepared, Justice Fernandez gave two main reasons for discarding the use of the affidavit, to wit: (1) They were not properly authenticated; and (2) The contents thereof would contravene the theory of the prosecution that Senator Aquino was killed at the Manila International Airport, it being alleged in the said affidavit that his plane was sought to be diverted elsewhere. It was also pointed out that the affidavit do not clearly show the identity of the plane sought to be scrambled, and that the intercalation of the word "Aquino" in an entry in the logbook intended to make it appear that the plane sought to be scrambled was that which carried Senator Aquino was an obvious falsification.

While it is true that the US airmen's proposed testimonies would show an attempt of the Philippine Air Force to divert the plane to Basa Airfield or some other place, such showing would not necessarily contravene the theory of the prosecution, nor the actual fact that Senator Aquino was killed at the Manila International Airport. Justice Herrera had accurately pointed out that such attempt of scrambling Aquino's plane merely showed a "wider range of conspiracy," it being possibly just one of two or three other plans designed to accomplish the same purpose of liquidating Senator Aquino. In any

event, even assuming that the said piece of evidence could go either way, it may not be successfully contended that it was prudent or wise on the part of the prosecution to totally discard the said piece of evidence. Despite minor inconsistencies contained therein, its introduction could have helped the cause of the prosecution. If it were not so, or that it would even favor the defense, as averred by Justice Fernandez, the determined effort to suppress the same would have been totally uncalled for. Justice Fernandez, with his experience, competence, and expertise, particularly in the field of Remedial Law, could not have missed that point if he were not under some ineluctable constraints.

4. **Rebuttal witnesses not presented.** — As early as September 9, 1985, in the same note wherein Justice Herrera expressed his view on the advisability of utilizing the affidavit of the US Airmen, Justice Herrera already indicated his desire to present nine rebuttal witnesses named therein (Exhibits "A-1," "34" — Fernandez). Justice Fernandez, however, overruled him (U.n., June 19, 1986, p. 66), and Justice Herrera did not press the matter due to his deference to the authority of his superior, Justice Fernandez; and, moreover, he was already "deactivating" himself from the case at that time, it being his belief that its eventual resolution was already a foregone conclusion (Ibid, pp. 66-68). Included in the list of proposed rebuttal witnesses was Rebecca Quiano who was to rebut the testimony given by the NHI agent to whom Ms. Quiano allegedly admitted that she did not see anything in the killing of Senator Aquino (Ibid, p. 67).

5. **The failure to exhaust available remedies against adverse developments.** — Particular incidents during the trial were cited to show that Justice Fernandez had intended to comply with Malacañang's bidding by pulling his punches, so to speak, in prosecuting the case. Aside from his determined stand to discard the evidence regarding the scrambling of the Aquino plane, his participation in the withholding of rebuttal evidence which Justice Herrera had wanted to present, and his failure to question the suspicious manner by which the case happened to be assigned to the First Division of the Sandiganbayan or to join the motion of the private prosecutor for the inhibition of said division for alleged lack of a valid raffling of the case, Justice Fernandez barred his true sentiments in connection with the exclusion of the testimonies given by the military respondents in the Agrava Board hearings. It is true that Justice Fernandez filed a motion for the reconsideration of the ruling of the

Sandiganbayan to exclude said testimonies as part of the evidence of the prosecution, and that he questioned the denial of the motion for reconsideration in a petition filed with the Supreme Court wherein he personally argued such petition. Nonetheless, his actions after the denial of said petition fall short of showing an honest and sincere effort on his part to uphold the cause of the prosecution. The motion for reconsideration filed in the Sandiganbayan was at the insistence of Justice Herrera who urged such step from his sick bed. When the Supreme Court denied the petition of Justice Fernandez, the latter almost immediately announced to media that he was not filing a motion for the reconsideration of said denial, for the reason that it would be futile to do so and foolhardy to expect a favorable action on the same.

Said attitude of Justice Fernandez could not help but raise quizzical eyebrows. Under similar circumstances and even in cases which were not as constantly in the public eye as the Aquino-Galman case where the need of impartial and independent posture on the part of the prosecution hardly requires emphasis, the natural course of action that Justice Fernandez should have taken was to pursue whatever remedies may still be availed of against the ruling adverse to his stand. The filing of a motion for reconsideration was easily indicated under the admitted circumstances that the issue involved was vital to the cause of the prosecution, the excluded testimonies being virtually the only evidence against those who gave the same, and that the decision of the Supreme Court sustaining the ruling of the Sandiganbayan was not unanimous, there being three justices who dissented from the majority opinion. Moreover, Justice Fernandez himself claimed that while the Supreme Court decision covered all angles of the question, some of the points thereof, in his opinion, were not correctly resolved. His posture that the filing of the motion for reconsideration would be mere waste of effort and time is, in the least, indicative that he was living up to the instruction of finishing the trial of the case as soon as possible, if not of something else.

6. The assignment of the case to Justice Pamaran. — As earlier stated, Justice Herrera testified that President Marcos ordered Justice Pamaran point-blank to handle the case. The pro-forma denial by Justice Pamaran of such instruction crumbles under the actuality of such directive having been complied with to the letter. Considering the evident wish of President

Marcos that the Aquino-Galman murder case be disposed of in a manner indicated by him, it was but to be expected that he would give such order to Justice Pamaran, who was the only Sandiganbayan Justice summoned to the conference, to see to it that his expressed desire shall be carried out.

Justice Pamaran sought to discredit the claim that he was ordered by President Marcos to handle the case personally by explaining that cases in the Sandiganbayan are assigned by raffle and not to a particular Justice, but to a division thereof. The evidence before the Commission on how the cases happened to be assigned to Justice Pamaran evinces a strong indication that such assignment was not done fairly or regularly.

There was no evidence at all that the assignment was indeed by virtue of a regular raffle, except the uncorroborated testimony of Justice Pamaran. The record reveals that, to support the allegation of Justice Pamaran that a raffle was conducted resulting in the assignment of the case to the First Division of the Sandiganbayan, there was attached to the Comment of the respondent First Division, the Minutes of the Raffle held on January 23, 1985 and a Memorandum of Justice Romeo Escareal who was the one who allegedly conducted the said raffle, explaining how it was done (Exhibits "19" and "20"). Despite an announcement that Justice Escareal would be presented by the respondents to testify on the contents of his aforesaid Memorandum, such was not done. No reason was given why Justice Escareal could not, or would not like to testify. Neither was any one of the officials or employees of the Sandiganbayan who, according to Justice Pamaran, were present during the supposed raffle, presented to corroborate the claim of Justice Pamaran as regards the said raffle.

It is an admitted fact that not one of the prosecution panel nor any of the parties or their counsels was notified of, or was present during the supposed raffle. Nor is there a standing notice posted in the Court's premises, as is done in most other Courts, to allow interested parties to know when the raffling of cases is supposed to be done. The total absence of notice to any party involved in the Aquino-Galman case may not be excused by the mere assertion that there was no rule requiring such notice, and that such was the standard practice of the Sandiganbayan since 1989. Prudence alone, if not a consciousness that the case to be assigned had generated tremendous public interest and curiosity as to how it would be handled by the authorities,

should have prompted the Sandiganbayan justices to deviate from their supposed standard procedure so as to maintain their posture of impartiality, integrity and independence.

It is also an admitted fact that the two Informations in the drable murder case were filed by Justice Herrera on January 23, 1985, at 12:02 p.m., and the members of the Raffle Committee were summoned at 12:20 p.m. or only 18 minutes after the filing of the two Informations. Such speed in the actual assignment of the case can truly be categorized as unusual, if not extraordinary, considering that before a case filed may be included in the raffle, there is need for a certain amount of paper work to be undertaken. If such preliminary requirements were done in this case within the limited time available therefore, the charge that the raffle was rushed to avoid the presence of media people would ring with truth.

What is more intriguing is the fact that although a raffle might have been actually conducted which resulted in the assignment of the case to the First Division of the Sandiganbayan, the Commission did not receive any evidence on how or why it was handled personally by Justice Pamaran who wrote the decision thereof, and not by any one of the two other members of his division. The attempt of the private prosecutor to question the raffle was brushed aside by the Sandiganbayan, giving as one reason for the denial of the motion to disqualify the First Division on that ground, the unlikely excuse that the said motion did not have the imprimatur of the Tanodbayan!

7. The custody of the accused. — It is an admitted fact that during the Malacañang conference, President Marcos had expressed concern over the custody of the accused military personnel. Justice Pamaran confirmed having been consulted on said matter. President Marcos evidently was concerned by the possibility that the accused would be detained in civilian jails or that some of them may not be allowed bail pending the trial. According to Justice Herrera, when this matter was brought out during the conference, Justice Pamaran explained that, if an accused is charged in the Sandiganbayan with a capital offense, the normal procedure was to confine him in the Manila City Jail, if he is not granted bail, it being the nearest jail to the Sandiganbayan. He further declared that no mention of any presidential decree authorizing the Commanding Officers to take preventive custody of military personnel charged with crimes was ever made during the conference.

When the question of custody came up after the case was filed in the Sandiganbayan, the latter issued an order directing the confinement of the accused in the City Jail of Manila. This order was not carried out in view of the information given by the Warden of the City Jail that there was no space for the twenty-six accused in said jail. The same information was given when the custody was proposed to be given to the National Penitentiary in Muntinlupa and to the National Bureau of Investigation. At that point, the defense came up with Presidential Decree No. 1950-A which authorizes the custody of the accused military personnel with their respective Commanding Officers. Justice Herrera claimed that the said Presidential Decree was not known even to the Tanodbayan Justice Fernandez who had to call up the then Minister of Justice Estelito Mendoza to request a copy of the same, and was given such copy only after some time. (I.A.N., June 23, 1986, pp. 39-44). The decided advantage of having the military personnel charged in the case to be confined in a military camp, instead of in a civilian prison, need not be emphasized.

8. The monitoring of proceedings and developments. — There is an uncontradicted evidence that the progress of the proceedings in the Sandiganbayan as well as the developments of the case outside the Court had been monitored by Malacañang presumably for it to know what was happening and to take remedial measures as may be necessary. Justice Pamaran had candidly admitted that television cameras were installed in the courtroom for that purpose. There was a room in the Sandiganbayan, mischievously called "war room," wherein military and Malacañang personnel stayed to keep track of the proceedings.

The monitoring by Malacañang showed its results on several occasions. At one time, when the video tapes taken by foreign television stations were shown in an open session in the Sandiganbayan, Justice Herrera made a manifestation to the Court that, as shown in the tapes, the fly of the man in blue (Galman) was open and that his belt was loosened. Immediately after the hearing, Justice Fernandez told Justice Herrera that Olympus expressed displeasure at his said manifestation (I.A.N., June 20, 1986, pp. 54-55).

Earlier in the proceedings, when the matter of custody was being discussed in the Court and in which incident Justice Herrera manifested that he was leaving the matter to the discretion of the Court, President Marcos

called him up to congratulate him on his stand, and told him to continue with the "more-mora." (I.A.N., June 23, 1986, pp. 32-33).

The monitoring was apparently done not only by television cameras. This was shown by the fact that Malacañang became immediately aware of the presence of Wakamiya in the Office of Justice Herrera on August 21, 1985 to discuss his proposed testimony before the Sandiganbayan, and took immediate measures to forestall the giving of such testimony by directing the Commissioner of Immigration to ask the Japanese Embassy to advise Wakamiya to leave the country at once.

Another instance of such close monitoring was the sudden appearance of Col. Balbino Diego at the NBI Office after Rebecca Quijano was brought there by NBI agents for interrogation, and therein sought to obtain custody of Miss Quijano. It is likewise an undisputed fact that several military personnel pretended to be deputy sheriffs of the Sandiganbayan and attended the trials thereof in the prescribed deputy sheriffs' uniforms.

It is abundantly clear that President Marcos did not only give instructions as to how the case should be handled. He saw to it that he would know if his instructions will be complied with.

9. Partiality betrayed by the decision. — That President Marcos had wanted all of the twenty-six accused to be acquitted may not be denied. The disposal of the case in said manner is an integral part of the scenario which was cleverly designed to accomplish two principal objectives, seemingly conflicting in themselves, but favorable both to then administration and to the accused, to wit, (1) the satisfaction of the public clamor for the suspected killers of Senator Aquino to be charged in court, and (2) the foreclosure of any possibility that they may again be prosecuted for the same offense in the event that President Marcos shall no longer be in power.

In rendering its decision, The Sandiganbayan overdid itself in favoring the presidential directive. Its bias and partiality in favor of the accused was glaringly obvious. The evidence presented by the prosecution was totally ignored and disregarded. No weight or credibility was accorded to the testimonies of prosecution witnesses who declared that Senator Aquino was still in the stairs when he was shot. The photo-chronology which showed the sequence of the different stages of the killing was ridiculed as a "much ballyhooed" although an incompetent piece of evidence. It was deemed not sufficient to simply acquit all of the twenty-six accused on the standard ground

that their guilt had not been proven beyond reasonable doubt, as was the most logical and appropriate way of justifying the acquittal in the case, there not being a total absence of evidence that could show guilt on the part of the accused. The decision had to pronounce them "innocent of the crime charged on the two informations, and accordingly, they incur neither criminal nor civil liability." It is a rare phenomenon to see a person accused of a crime to be favored with such total absolution. It was not considered enough that he would escape the penalty of imprisonment; it was deemed necessary that he should be cleared of any civil liability as well. This was so despite the fact that the heirs of the deceased Senator Aquino did not participate in any manner whatsoever in the entire proceedings.

Doubt on the soundness of the decision entertained by one of the two justices who concurred with the majority decision penned by Justice Pamaran was revealed by Justice Herrera who testified that in October, 1985, when the decision was being prepared, Justice Augusto Amores told him that he was of the view that some of the accused should be convicted, he having found difficulty in acquitting all of them; however, he confided to Justice Herrera that Justice Pamaran made it clear to him and Justice Vera Cruz that Malacañang had instructions to acquit all of the twenty-six accused (TSN, July 17, 1986, p. 49). Justice Amores also told Justice Herrera that he would confirm this statement (which was mentioned in Justice Herrera's comment to the Second Motion for Reconsideration) if asked about it (TSN, June 19, 1986, pp. 92-93). This testimony of Justice Herrera remained rebutted.

VI

RECAPITULATION OF FINDINGS

In capsule form, the findings of the Commission are as follows:

1. The Office of the Tanodbayan, particularly Justice Fernandez and the Special Investigating Panel composed of Justice Herrera, Fiscal Bernabe and Special Prosecutor Tamayo, was originally of the view that all of the twenty-six (26) respondents named in the Agrava Board majority report should all be charged as principals of the crime of double murder for the death of Senator Benigno Aquino and Rolando Galman.

2. When Malacañang learned of the impending filing of the said charge before the Sandiganbayan, the Special Investigating Panel having already prepared a draft Resolution recommending such course of action, President Marcos summoned Justice Fernandez, the three members of the

Special Investigating Panel, and Justice Pamaran to a conference in Malacañang in the early evening of January 10, 1985.

3 In said conference, President Marcos initially expressed his disagreement with the recommendation of the Special Investigating Panel and disputed the findings of the Agrava Board that it was not Galman who shot Benigno Aquino.

4 Later in the conference, however, President Marcos was convinced of the advisability of filing the murder charge in court so that, after being acquitted as planned, the accused may no longer be prosecuted in view of the doctrine of double jeopardy.

5 Presumably in order to be assured that not all of the accused would be denied bail during the trial, considering that they would be charged with capital offenses, President Marcos directed that the several accused be "categorized" so that some of them would merely be charged as accomplices and accessories.

6 In addition to said directive, President Marcos ordered that the case be handled personally by Justice Pamaran who should dispose of it in the earliest possible time.

7 The instructions given in the Malacañang conference were followed to the letter, and compliance therewith manifested itself in several specific instances in the course of the proceedings, such as, the changing of the resolution of the special investigating panel, the filing of the case with the Sandiganbayan and its assignment to Justice Pamaran, suppression of some vital evidence, harassment of witnesses, recantation of witnesses who gave adverse testimony before the Agrava Board, coaching of defense counsels, the hasty trial, monitoring of proceedings, and even in the very decision rendered in the case.

8 That the expression of President Marcos' desire as to how he wanted the Aquino-Galman case to be handled and disposed of constituted sufficient pressure on those involved in said task to comply with the same in the subsequent course of the proceedings.

9 That while Justice Pamaran and Justice Fernandez manifested no revulsion against complying with the Malacañang directive, Justice Herrera played his role with manifestly ambivalent feelings.

10 Sufficient evidence has been ventilated to show a scripted and predetermined manner of handling and disposing of the Aquino-Galman murder case, as staged-managed from Malacañang and performed by willing dramatic personae as well as by recalcitrant ones whipped into line by the omnipresent influence of an authoritarian ruler.

authoritarian ruler.

VII RECOMMENDATION

Considering the existence of adequate credible evidence showing that the prosecution in the Aquino-Galman case and the Justices who tried and decided the same acted under the compulsion of some pressure which proved to be beyond their capacity to resist, and which not only prevented the prosecution to fully ventilate its position and to offer all the evidence which it could have otherwise presented, but also predetermined the final outcome of the case, the Commission is of the considered thinking and belief, subject to the better opinion and judgment of this Honorable Court, that the proceedings in the said case have been vitiated by lack of due process, and hereby respectfully recommends that the prayer in the petition for a declaration of a mistrial in Sandiganbayan Cases Nos. 10010 and 10011 entitled "People vs. Luther Custodio, et al." be granted.

Manila, Philippines, July 31, 1986
Respectfully submitted:

(Sgd.) CONRADO M. VASQUEZ
Chairman

(Sgd.) NILAG-
ROS A.
GERMAN
Member

(Sgd.)
EDUAR-
DO P.
CAGUIONA
Member

/13046

CSQ: 4200/1392

SHAHANI RAPS FOREIGN AID, URGES SELF-RELIANCE

Quezon City ANG PAHAYAGANG MALAYA in English 6 Aug 86 p 5

[Text]

Deputy Foreign Minister Leticia Shahani criticized yesterday the priority traditionally given by the Philippine government in getting foreign aid rather than cultivating self-reliance.

In a speech before the Psychological Society of the Philippines, Shahani said, "Insofar as official foreign policy is concerned, a brief glance at Philippine diplomatic history shows the very high priority that has always been given to obtaining official development assistance."

She noted that in other countries, like Singapore, a moratorium has been imposed on the entry of aid from the more affluent countries.

The Philippines, she said, has not made an attempt to stop relying on aid because "we are perpetually in a weak economic position."

"The priority over the years is for development assistance in terms of concessional loans and more rarely, outright grants," Shahani said.

She said the real answer to the possibility of having a stronger competitive edge in the outside world is "to learn the hard way by exporting quality goods and commodities on a long-term basis."

To achieve this, the deputy foreign minister said the Filipino people must first have self-reliance and a keen sense of entrepreneurial know-how.

/13046

CSO: 4200/1395

TUCP SUPPORTS AQUINO STANCE ON U.S. BASES

Quezon City ANG PAHAYAGANG MALAYA in English 5 Aug 86 p 2

[Text]

The Trade Union Congress of the Philippines is for the retention of the US military facilities until 1991 and for leaving the options open to renegotiation.

An official position paper on the issue said that "while foreign military bases and nuclear weapons have not yet been totally eliminated in every country, TUCP holds that it will be foolhardy for the Philippines to take any precipitate and unilateral action without considering in depth and with comprehensiveness the possible consequences of such action both to the Philippines and to the rest of the world..."

The position paper presented

TUCP's views in relation to the security, economic and political implications of deciding for the retention or the loss of the facilities.

But recognizing related controversies, the paper also urged for a clarification of the issue of neocolonialism and imperialism which is perceived by many to be related to the treaty. It also called for a renegotiation of the labor agreement to accommodate the grievances of Filipino employees at the bases.

For the long run, however, TUCP said the world should see all foreign bases and nuclear weapons removed from its face.

/13046

CSO: 4200/1395

KMU ASSAILS RESUMPTION OF PAG-IBIG 'CONTRIBUTIONS'

Quezon City ANG PAHAYAGANG MALAYA in english 5 Aug 86 pp 1, 7

[Text]

The Kilusang Mayo Uno yesterday hit the government's decision to reimpose collection of contributions to the Pag-IBig fund, saying the move ran counter to the best interest of the workers.

KMU national spokesman Crispin Beltran said the new rate for the housing program does not differ substantially from the old rate imposed during the Marcos regime.

The compulsory contributions to the fund were an unnecessary burden to the workers, he added.

Beltran noted that even employees had pushed for the abolition of the

Pag-IBig. The President's decision to suspend collection of Pag-IBig contributions last May was widely applauded by both labor and business sectors, he said.

Only the World Bank and other groups working for foreign interests have sought the retention of Pag-IBig, the labor leader said.

"The government's decision to retain Pag-IBig in effect violated its own commitment to govern by democratic consultation with the various sectors," he remarked.

Instead of retaining Pag-IBig, Beltran said the government should have strengthened the SES which has its own facilities for housing.

/13046

CSO: 4200/1395

CEBU LABOR OFFICIAL HITS KMU FOREIGN FUNDS

Manila MANILA BULLETIN in English 1 Aug 86 p 8

[Text]

The Associated Labor Unions (ALU) chapter in Cebu accused the Kilusang Mayo Uno (KMU) yesterday of receiving financial support from abroad and declared it has "sufficient" evidence to prove it.

ALU-Central Visayas regional vice president Teofanio Nuñez said the KMU was afraid to publicly admit the foreign funding because its members and the public would ask them to account for the money.

The admission would also "put to naught its own declaration that foreign funds tie the hands of local recipients," according to ALU, which is an affiliate of the Trade Union Congress of the Philippines (TUCP).

A KMU official in Cebu, Wenceslao Badayos, denied last week that there was such funding.

Nuñez, however, claimed that Badayos's authority to make such public denial was worthless because the group he represents is "only

one of the many tentacles of KMU."

"We always have a hard time hitting the inner core of the KMU leadership because every time a damaging issue crops up, another communist front organization or organizations like the AMA-SUGBO-KMU, League of Filipino Students (LFS) and BAYAN would form a shield around it," he said.

At the same time, Nuñez said that TUCP has never denied having received financial support from democratic trade unions abroad, including the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO) for specific projects.

"It is public knowledge that we initiated socio-economic projects for our members and their immediate families and the whole community with the assistance of AFL-CIO and its agency, the Asian-American Free Labor Institute (AAFLI) and other foreign labor

groups," he added.

As to the alleged link between the Central Intelligence Agency (CIA) and the AFL-CIO, ALU-TUCP president Democrito T. Monduran countered that trade unionists around the world, including the Soviets, would not give credence to the accusation.

Meanwhile, TUCP Secretary General Ernesto F. Herrera cited as the three biggest pollutants of the Filipino mind "xenophobic, irrationally anti-American, communist pseudo-nationalism; rigid year-round partisanship, and pornography."

Herrera called them the "biggest barriers to recovery, stability and growth."

Social progress, he said, is stunted when the people are locked up in "egoistic hedonist shells which is the result of so much pornography," adding that "progress is also hindered if we are a nation divided forever by partisan strife and ideological bigotry."

/13046

CSO: 4200/1393

COJUANGCO SEEKS OUSTER OF SMC BOARD

Manila MANILA BULLETIN in English 2 Aug 86 p 17

[Text]

Former Ambassador Eduardo Cojuangco Jr. yesterday sought the ouster of the board of directors of San Miguel Corp. elected in the controversial stockholders meeting last June 4.

A petition for the ouster was filed with the Securities and Exchange Commission by the Cojuangco-controlled Balete Ranch, Inc. and other stockholders of SMC similarly situated as intervenors on the strength of the 28.83 percent sequestered shares.

The Cojuangco group urged the SEC to annul the results of the stockholders meeting of SMC and

to stop recognizing and implementing the writs and orders of the Presidential Commission on Good Government (PCGG) which sequestered 58 percent of the total outstanding shares of stock of SMC.

The group specifically requested the SEC to order new elections of the directors and not to allow their shares to be voted upon by any party.

Several provisions of the corporation law on the qualification and screening of the nominees for directors were conveniently brushed aside by the PCGG to railroad the election in violation of the stockholders' rights, it said.

It further argued that the PCGG had no right to vote its shares even if the grant of authority to sequester under Executive Orders 1 and 2 appeared to be valid because the validity of President Aquino's memorandum to this effect came only last June 26, 22 days after SMC held the controversial stockholders meeting.

Earlier, the United Coconut Planters Bank, as trustee of the 14 firms which claimed to be the sellers of the 33.1 million SMC shares, similarly asked the SEC to nullify the recent board election of SMC.

The 33.1 million shares accounted for

31 percent of the outstanding stock of SMC which, together with the 27 percent shareholdings of the Cojuangco group, formed the 58 percent SMC shares sequestered by the PCGG.

The UCPB petition sought the disqualification from the board of PCGG nominees Ramon Garcia, Lourdes Quisumbing, Homobono Adaza, Oscar Santos, Teodoro Locsin Jr. as well as SMC nominees Andres Soriano III, Ernest Kahn, Benigno Toda Jr., Antonio Roxas, Antonio Prieto, Eduardo Soriano, Francisco Eizmendi, Jr., Ralph Karr and Feliciano Belmonte Jr. (Ellen P. Sananigo)

/13046

CSO: 4200/1393

MALAYA COLUMNIST WARNS OF AFP FRATERNAL GROUPS

Quezon City ANG PAHAYAGANG MALAYA in English 7 Aug 86 p 4

[Commentary by Luis R. Mauricio: "Fraternal Comrades in Arms"]

[Text] **T**HE ARMED FORCES policy - if policy it can be called - on the activities of fraternal organizations within the military is fraught with dangers which may not be readily apparent.

The thinking of the military leadership is to allow such organizations to exist "as long as they do not jeopardize or undermine the chain of command or the entire AFP command." This, according to Col. Alexander Aguirre, AFP deputy chief of staff for operations.

The reason behind this unorthodox thinking, as gathered from Col. Aguirre, is that there is no law that suppresses this type of organization.

If there is no rule, regulation or law that discourages their formation and activities, there should be one. The mere fact that they exist jeopardizes or undermines the unity of the AFP as the government's arm for the defense and security of the state.

In the Fifties, a group of majors and colonels of the Egyptian army, led by Naguib and Nasser, formed an Officers' Enlightenment Society dedicated to Korm-reading. At a time when King Farouk was sunning himself in the French Riviera, the Society struck and pulled a coup which ousted the monarchy.

A fraternal cover was used to camouflage an invidious purpose.

THE MOST popular of the AFP fraternal organizations in the mind of the public is the RAM (Reform the AFP Movement). It was anteceded by the "We Belong" movement, which, in turn, came after the Diablo.

The Diablo was organized in the early '80s by young officers, mostly non-commissioned ones, as a fraternity for common protection against abuse by senior officers. In order to hide its true objective, which is basically uncongenial to the upper level of command, the members claimed it was formed to combat communism. The usual.

A fraternity to combat communism within a military organization whose basic orientation is to combat communism? The absurdity of its stated purpose failed to arouse the skepticism of the military superiors.

When its leadership shifted to the South, the mysticism in the wooded Aguan-Bukidnon-Surigao area rubbed off on the group and ere long its leaders were wearing titles like "supreme godfather-consultant" and members began sporting tattoos in their palms - like the Signe-Signe, OXO, and Batang Maynila gangs (except that, to these three, tattoos in the palms were effeminate, those in the breasts and legs macho).

Pretty soon, the organization was being dismissed by observers as an aberration.

THE 'WE BELONG' movement was formed by young commissioned officers, military academy alumni, who resented the fact that, with Fabian Ver, an integree (i.e., non-PMA man, who rose from the ROTC and/or cadre training ranks) at the head of the AFP, the military rabble was lording it over the military elite.

Its leadership was nebulous; no one wanted to come out openly as its avowed leader. Those who "belonged" knew one another, though, and that sufficed.

Its existence first came into light during the PMA graduation exercises in 1985, when, out of nowhere, placards seeking AFP reforms materialized as Marcos was on his way to the graduation grounds.

Remembering that the picketers were PMAers, Marcos thought that the reforms sought were limited to non-extension of service of retirable officers, in order to enable PMAers to get into the saddle. And since he was averse to retiring his favorite generals who had been tested for their canine loyalty, Marcos did not give the We Belong movement the attention it deserved.

IT WAS at about this time that the reformists under the influence of Minister Enrile co-opted the We Belong leadership. Since the latter was faceless, it was not difficult for media to lump both groups as of the same brand of reformists. In due time, the We Belong movement faded entirely from the pages of newspapers, its place taken up by RAM, which surfaced, during the February snap revolution as the military mainstay of Minister Enrile and General Ramos.

Enrile and Ramos inevitably became allies after August 1983. Ver had just bested Ramos for the position of AFP chief-of-staff. Then on August 1, just a few days before Ninoy Aquino was (to be) assassinated, Marcos issued an order lopping off the Defense Minister from the chain of command between the Commander-in-Chief and the Chief-of-Staff. This meant that Ver was to be responsible directly to Marcos, bypassing Enrile.

The same order authorized Ver to form regional united commands (RUCs) in each region, thus effectively neutralizing the PC/INP chief (Ramos) from his command authority over provincial PC/INP commanders. The latter, under the RUC setup, had to receive their orders directly from the RUC commanders (who were, definitely, Marcos-Ver men).

It was logical for RAM to gravitate toward the unofficial Enrile Ramos alliance. In order to throw the Marcos-Ver intelligence hound dogs off-sense, the reformists' meeting with their spi-

ritual godfathers were not hidden. In fact they were publicized in the media, where it was made to appear that the RAM had asked from their superiors, and were granted, permission to present and air personally their grievances and suggestions for reform.

This way they succeeded in protecting the conspiratory character of their organization from the prying eyes and ears of Marcos.

BECAUSE of its vital role in the February revolution, the RAM became the cock of the walk after the Aquino government was installed.

In the ensuing reorganization of the AFP, plum positions went as rewards to the RAM. But the RAM membership, by this time, had become many-tiered; and those identified as Enrile boys were first-class citizens in the organization.

Inevitably a rift within the RAM ranks developed. And new "fraternal organizations" in the mould of the RAM have proliferated. Among these are the IROG (Integrees and Reserved Officers Group), the ROAD (Reserve Officers in Active Duty), BROTHERS and GUARDIAN.

The GUARDIAN is the recycled DIABLO, but is a back-up organization of RAM. It has become a foundation and it has taken in as members enlisted men, policemen, judges and fiscals. The foundation chairman is reputed to be Col. Greg "Gringo" Honasan, known far and wide as Enrile's chief of security.

The armed men bearing high-powered weapons, whose military presence during the July 6 coup at the Manila Hotel gave assurance to the Marcos consentidores (willing victims) that Cory's defense minister had cast his lot with them, wore GUARDIAN headbands and insignias.

Is it just mere coincidence that the officer whom Minister Enrile sent on July 7 to the Luneta grandstand to receive the Guardian armed men (involved in the coup) who wanted to give themselves up peacefully was the Guardian foundation chairman himself?

Is it any wonder that, right away the "surrendering" armed men were whisked to Camp Bonifacio, where they received absolution for what was clearly an act of insubordination, if not rebellion, from Enrile and Ramos no less?

MANILA BULLETIN COLUMNIST RIDICULES MARCOS, LOYALISTS

Manila MANILA BULLETIN in English 1 Aug 86 p 7

[Commentary by A.O. Flores: "Fatal Fun"]

[Text]

AS USUAL, the so-called Marcos loyalists had their fun last Sunday at the Luneta. This time it wasn't so funny. They ganged up on two helpless men who happened to be wearing yellow t-shirts and killed one of them. News reports said that the so-called loyalists got mad, rather madder, when the two gave with a rousing "Cory, Cory!" to their hysterical "Marcos pa rin!"

The nerve of those two! They had no right joining in their fun.

If that's how unsporting they have become, the so-called loyalists have ceased to be funny. Where they have been only a nuisance before, they are now a serious threat to public safety. Just think what will happen next time if not just two but a dozen or more "Cory followers" answered the so-called loyalists in kind. By their own bloody behavior last Sunday, they have more than ever justified the use of police dispersal.

Also mentioned in these news reports was a man whose idea of fun was to brandish a real-looking toy gun. At the police station, he could have been allowed his brand of amusement but

for a mean-looking blade (bayonet?) found on his person. In answer to police questioning, the fellow reportedly admitted that he had been paid twenty pesos (only?) by a certain movie bit actress to pull the act. Looks like it's getting cheaper every Sunday. (Note their dwindling number) Wonder if it will ever go down to gratis et amore. If it will come to that, then maybe their kind of fun is the real McCoy.

Meanwhile, their man pa rin continues to be funny from where he's directing things by remote control. While his cohorts were having their Sunday caper, he was — in an interview with a Honolulu newspaper — issuing a warning of "a possible communist takeover of his country" unless he took over from Cory.

Funny, I thought the threat he speaks of was of his own making. In 1966, when he took over, there was no such thing as an NPA. In late 1985, shortly before Cory took over, he was talking about some 16,000 dissidents who might yet continue to grow if he were not allowed to continue.

Funny, funny.

/13046

CSO: 4200/1393

BISHOPS CONFERENCE AIRS POLITICAL CONCERNS IN MALACANANG

Manila THE NEW PHILIPPINES DAILY EXPRESS in English 25 Jul 86 pp 1, 7

[Article by F.C. Borlongan: "Bishops' Role in Gov't: 'Critical Collaboration'"]

[Text]

CRITICAL collaboration.

This was how a prelate tersely described the call of Catholic bishops on President Aquino in Malachang the other day.

"We (the administrative council of the Catholic Bishops Conference of the Philippines headed by Cebu's Ricardo Cardinal Vidal) went to see the President," Msgr. Feliciano Palma, CBCP assistant secretary general, said yesterday "to relay to her the sentiments of the people in the dioceses and to offer whatever help we can in fostering unity."

"Take this matter of OICs," the prelate said. "Religious and civic leaders go to their bishops and parish priests to express their most critical feelings, because confusion has arisen to the detriment of public order and harmony."

THE PRESIDENT may not have been given the right and true picture of the situation, Palma said, "and so, in the spirit of critical collaboration we have to bring to her attention the voice of the people."

Palma said that in many instances relative to the OICs, "there has been inadequate consultation in their appointments." The mere fact that more than one OIC has been appointed to a position or an already appointed OIC has been

recalled/dismissed, shows that haste and impropriety have characterized their appointments.

Palma said that the increasing number of industrial strikes and the ineffective implementation of the population control program of the government had also drawn the attention and concern of the bishops.

"So we had to go personally to the President and inform her of the situation, at the same time offering our time and resources to help the government tackle its problems," he explained.

Palma said that the President was all ears to the bishops and assured them that she would look into all the cases of complaints as long as there are strong supporting proofs or evidences.

...

THE PRELATE admitted that the President has to be given more time to work effectively on the national recovery program "for she has been at the helm of the government for only five months."

On the whole, Palma said, the bishops believe President Aquino "is doing well" and is pursuing the national recovery program "in the right direction."

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CSO: 4200/1393

PAPER REPORTS, ANALYZES VATICAN DOCUMENT ON REVOLUTION

Manila MANILA BULLETIN in English 3 Aug 86 p 7

[Article by Roy Cimagala: "New Vatican Document Relevant to RP Situation"]

[Text]

THE unique Filipino revolution in February may yet become a big disaster if the freedom gained through it is found later to be based not on the ultimate truth but on partial truths.

This may well be the grim warning implied in the recent Vatican document that reiterates the often-misunderstood Christian doctrine on freedom and liberation.

Entitled *Instruction on Christian Freedom and Liberation*, the document can be considered the Church's position on today's gripping issues of poverty and of several kinds of human oppression. In it a stern reminder is made to base any effort to gain freedom on the ultimate Truth which is Christ, and to stay away from any reduced version of it no matter how appealing in its promise for immediate results.

Officially released on April 5 by the Congregation for the Doctrine of the Faith, the document is a sequel to a 1984 document that addressed itself to certain questionable versions of the emerging liberation theology.

Proponents of said liberation theology have largely adopted the Marxist analysis that tends to view the whole issue of poverty and oppression in purely economic and social terms, with little regard to their supernatural dimension. As a result, there is

invariable recommendation for class struggle and violence to achieve the perceived improvements.

Church theologians have considered such approach as reductionist, that hastily suggests questionable actions without fully satisfying the requirements of justice and human dignity.

The new document outlines in more positive terms the content of any effort to achieve true freedom and liberation.

In a nutshell, this effort consists principally in seriously undertaking the task of personal sanctification. Without making them exclusive of each other, the transformation of the heart according to the Gospel is held more important than the mere transformation of the social structure.

"The priority given to structure and technical organization over the person and the requirements of his dignity is the expression of a materialistic anthropology and is contrary to the construction of a just social order," the document affirmed.

The document also said that a safe criterion for judging whether a particular action would redound to the common good of human society is this — there can be no true liberation if from the very beginning the rights of freedom are not respected.

It condemned the systematic recourse to violence as the necessary path to liberation, the violence exercised by the powerful against the poor, arbitrary action by the police, and the passivity of the public powers in places where the social situation of a large number of men and women is far from corresponding to the demands of constitutionally guaranteed individual and social rights.

It however upheld the recourse to armed struggle as a last resort "to put an end to an obvious and prolonged tyranny which is gravely damaging the fundamental rights of individuals and the common good."

Further on, the Philippine February People Power appears to be alluded to when it said that because of the increasing danger involved in the recourse to violence, "that which today is termed passive resistance shows a way more comfortable to moral principles and having no less prospects for success."

The document also considered as unacceptable the smear campaigns capable of destroying a person psychologically or morally.

The role of the laity in educing social developments is also underscored in the document. "It is not for the pastors of the Church to intervene directly in the political construction and organization of social life. This task forms part of the vocation of the laity acting on their own initiative with their fellow citizens," it said.

The welfare of workers is also urged upon the employers. "The priority of work over capital places an obligation in justice upon employers to consider the welfare of the workers before the increase of profits," it said.

The document ended with an exhortation to all servants of the Church, particularly theologians, to help the faithful so that what they have been given by popular piety might be ever more consciously embraced as their own.

/13046
CSO: 4200/1193

EXPORT PRODUCTS SMUGGLING TO ROK REPORTED

Quezon City ANG PAHAYAGANG MALAYA in English 5 Aug 86 p 6

[Article by Benjie Guevarra]

[Text]

Close to P2 billion-worth of Philippine products are possibly smuggled out to Korea yearly, according to a Ministry of Natural Resources report. The report said about P500 million of logs and minerals are illegally shipped to said country.

Documents obtained by Malaya yesterday indicate that the \$93.8-million discrepancy in the official trade records of the two countries on Philippine exports between 1984 and 1985 is due to smuggling.

Benjamin Austria, vice president for exploration of Transasia Oil and Mineral Development Corp., told MNR Minister Ernesto Macada in a July 28 letter that Korean government figures listed at \$264.76 million the Philippine exports to that country during the period. This figure is \$93.83 million higher than the \$170.94 recorded by the Philippine government.

Local exporters may have overshipped as much as P1.87 billion-worth of Philippine commodities to that country, Macada said.

Austria said there is a difference of \$23.7 million (P474 million) in the actual shipment records of logs, nickel, nickel alloys and metallic ores to Korea.

He noted that \$24.55 million-worth of logs entered Korea last year but the Philippine government's record is only \$14.12 million, or a difference of \$10.42 million.

More than \$11 million-worth of metallic ores may have been illicitly shipped out, too, Austria said. He claimed that only \$18.53 million in such exports were officially recorded in the Philippines while Korea recorded its ore import from the Philippines at \$30.19 million.

Nickel and nickel alloys exports were valued by Korea at \$2.76 million, which is \$1.63 million more than the local figure of \$1.13 million, Austria added.

"Perhaps an inquiry by the MNR into this matter could clarify the discrepancy," Austria told Macada.

The minister assured the public, meanwhile, that his office will coordinate with the Korean government officials in probing the suspected "overshipments" in the same way that an MNR team is now working with Japanese officials on alleged log smuggling operations by Filipino and Japanese syndicates.

About P2 billion-worth of Philippine logs are believed to be bought by Japanese importers yearly as indicated by a \$100-million discrepancy in the trade records of the customs bureau and the Japanese lumber journal.

Macada, apparently irked by the refusal of most Japanese government officials to cooperate with the MNR, charged that Japanese log importers may be buying "hot" Philippine logs with the blessings of their government.

The previous MNR administration had proposed the fielding of inspection teams at the ports of entry and the signing of waivers by importers that would allow the mid teams to actually check such shipments. Both proposals met strong opposition, however, from Japanese wood businessmen.

"Mercenary" vessels are said to be used in ferrying out "hot" logs to Japan, Korea and Taiwan through illicit ports lining the long coastal line of the Sarigan and Davao provinces.

/13046

CSO: 4200/1395

DAILY REPORTS SUGAR WORKERS' LOSSES TO NASUTRA

Quezon City ANG PAHAYAGANG MALAYA in English 5 Aug 86 p 3

[Article by Joey Salgado]

[Text]

The National Sugar Trading Corporation owes the country's sugar workers a total of P17 million in unremitted deductions to the Social Amelioration Fund.

The amount represents contributions of sugar planters to the SAF, a special fund for sugar workers earmarked for livelihood assistance, for the year 1984-85.

However, director Rashid Saber of the Bureau of Rural Workers said Nasutra has pledged to pay its obligations, although it has no funds at the moment to pay up completely. Saber said Nasutra offered the BRW its available stocks of sugar which they said can be con-

verted to liquidity.

Saber added that the Philippine Sugar Commission, which is now directly supervising operations of Nasutra, has also given assurances that the trading agency's obligations to sugar workers will be met. An agreement embodying the mechanics of the sugar stock transfer will be inked soon between the BRW and Nasutra representatives, he added.

The BRW maintains two kinds of funds for rural workers. One is a guarantee loan fund extended to all rural workers requiring no collateral, and a larger fund particularly for sugar workers intended for economic assistance and livelihood projects.

Saber said he met recently with representa-

tives of the Association of Integrated Sugar Millers of the Philippines, the Philsma and other agencies and organizations in the sugar industry who likewise gave their assurances of assistance in collecting Nasutra's obligations.

The planters and millers also agreed to continue remitting to the SAF.

Saber also said the BRW is set to launch this month the movement for People's Livelihood and Welfare, one of the major employment programs of the Aquino government.

To meet the BRW's new task of servicing some 16.2 million rural workers nationwide, Saber stressed the need to expand the bureau into a rural workers deve-

lopment administration.

With the BRW's large clientele and its present budget, Saber said the agency can only give minimum assistance to the rural workers. "If you compute benefits we plan to grant to the rural workers, this will add up to only P6.15 per rural worker," the BRW chief said, adding that they also plan to set up rural workers' centers nationwide to get the BRW closer to the people.

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CSO: 4200/1395

CONSTANTINO LAUDS LABOR OPPOSITION TO NEDA PLAN

Quezon City ANG PAHAYAGANG MALAYA in English 6 Aug 86 p 4

[Commentary by Renato Constantino: "Labor's Development Vision"]

[Text]

Labor leaders who gathered at the UP Institute of Industrial Relations recently came out strongly against the NEDA program. Representing the major labor and rural organizations inside and outside the Labor Advisory Coordinating Council, labor leaders and economists, casting aside their organizational differences and rivalries, drew up an outline of an alternative economic program that is directly opposed to NEDA's Policy Agenda for People-Powered Development.

With their open espousal of contrary economic proposals, the labor group has breached the monopoly of discussions on development plans for the country from the air-conditioned board rooms of the NEDA, the business community and the cabinet spokesmen of the President. Labor has come out with another vision of development which is nationalist and democratic in direction.

On the raging issue of import liberalization, the labor stand is a strong NO! Instead, labor proposes import controls which were proven effective in the 1950's in checking the country's balance of payments crisis and boosting the strong industrial drive of that decade. Many Filipino businessmen who face extinction with the implementation of the IMF policy have taken the same position although some of them say they are only for postponement of implementation.

Simultaneous with import controls, labor advocates trade expansion with other countries, principally with the Third World and the socialist bloc in order to strengthen the country's independence.

To achieve this in the midst of the present foreign exchange scarcity, the group suggests the use of counter-trade, which is anathema to the IMF and the World Bank.

This position is in contrast with the NEDA's call for an open trade regime via the free flotation of the peso (NEDA officials even claim that an undervalued peso will be advantageous to the country), import liberalization and price deregulation. Instead of strengthening the position of our faltering industries, NEDA is betting for a development strategy narrowly focused on export-oriented agriculture development - a strategy that borders on madness in the light of the global glut in agricultural commodities and the highly-developed agricultural export capacity of the US and EEC countries.

On foreign investments, labor's stand is 100% Filipino ownership in "traditional areas where there are sufficient Filipino capital, technology and skills."

On the external debt, the labor participants insisted on selective repudiation, which means payment only of obligations validly spent for the people.

They also seek a moratorium of 5 to 7 years in the servicing of the foreign debt to allow the country enough time to recover economically.

This is in marked contrast to the NEDA Policy Agenda which has omitted mention of selective debt repudiation as earlier advocated by Monsod and instead opted for euphemistic (i.e., conservative) approaches like seeking "compromise arrangements" with the foreign creditors, including the dangerous and anti-Filipino formula of converting foreign debt into equity.

The group also came up with a detailed vision of a comprehensive land, natural resources and aquatic reform. The labor leaders aver that land reform must cover all areas and crops and that only he who actually tills the land should benefit from the fruits of his labor.

On agricultural production, the labor representatives seek a review and modification of the IMF-inspired deregulation program, reorientation of production to meet the actual requirements of the Filipino people, Filipi-

nization of agribusiness firms and democratization (rather than mere dismantling or privatization) of all agricultural monopolies.

While the labor group supported the profit-sharing idea of the labor minister, it went further by proposing a meaningful workers' participation in the management of enterprises and industries as well as participation in all policy-making bodies of the government.

This, in brief, is labor's vision of development which is a direct contrast to the recycled IMF-Marcos-Virata program of this administration. This program is a reflection of the fact that the technocrats of Aquino do not speak for the working masses of the country.

If President Aquino really believes in people's power, she should at least give labor leaders an audience and listen to how they think the economy should be run instead of dealing with them only within the framework of preventing or settling strikes.

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CSO: 4200/1395

COCONUT CHAIRMAN ANSWERS CRITICS ON LEFT, RIGHT

Quezon City ANG PAHAYAGANG MALAYA in English 5 Aug 86 p 9

[Letter to Editor by Oscar F. Santos, Chairman of the Philippine Coconut Authority, Quezon City, date not given]

[Text]

This concerns the so-called "demilitarization" at the Philippine Coconut Authority, as well as the consequences of the coco levy audit to my person.

When I assumed office as PCA chairman, I had thought that the military personnel here on detail could stay on. They have years of experience in an admittedly complicated industry like the coconut.

I had thought also that somehow we could set the example of reconciliation.

And that is the reason why I did not hesitate to take in the so-called "leftists" group coming from the UP. They have intimate understanding of the plight of the masses and I think could offer fresh directions so that the bigger number of the coconut farmers could truly be made participants in and beneficiaries of the fruits of the industry.

But it seems it was not to be that way. Despite my efforts, both groups could not get along with one another. And I have been accused of coddling the military on one hand and coddling the "leftists" on the other.

Since the existence of the two groups of PCA was not favorably perceived by the industry and the public, especially by media, I therefore decided (1) to request Gen. Ramos to recall the military from the authority and (2) not to renew the contracts of the so-called "leftists".

My action, however, touched off a veritable deluge of telegrams, letters, petitions and personal appeals from a large majority of PCA employees, especially the regional administrators

and the fieldmen who requested reconsideration of the recall of Col. Duena, et al.

I decided to heed the clamor of PCA officers and employees for their continuance but up to yearend only. This I hope will allow for a smooth transition until their replacements will have been trained.

On the audit of the levy, let me repeat that it involves P9.6-billion collection from the coco farmers, a sum big enough to build 200 new buildings similar to the PCA. For the last 10 years, they wanted to know what happened to the levy collections. Four of us in Quezon got elected to the Batasan on the promise that we will seek an inquiry into and public disclosure on how the money was spent. I tried to bring this matter at the floor of the Batasan three times. Three times I was denied.

When President Aquino asked me to help the industry as PCA chairman, accounting and auditing of the levy were matters I promptly attended to. The COA conducted the audit upon our request. Excerpts from the report of the 20-man COA audit team were repeatedly published in the newspapers.

This has resulted to sequestration of Cocofed. The Mindanao and Bicol farmers insisted on that. Also, on their request, the COA report was officially endorsed to Tanodbayan for action.

As a result of my "house-cleaning", I must have stepped on powerful toes. A vicious vilification campaign to discredit me, appears to be going on in earnest. I have been told that certain

quarters are prepared to spend a lot to ascertain my ouster as PCA chairman and even abolition of the PCA itself.

Some of the smear items include: 1) That I am a "communist" or "leftist"; 2) That I was a "self-appointed" SMC board member eager to get a P1.2-million allowance; 3) That I asked for a P18,500 monthly allowance aside from my salary; 4) That I get an allowance from desiccated coco plants out of the 30¢ fee which I want raised to 60¢ per kilo; 5) That I was supposed to have sold Rancho Mercedes in Bukidnon to a certain Mr. Zubiri. Many more.

All these however will not deter me from doing what ought to be done for the coconut industry. In the meanwhile, I will pursue my proposal to dispose of all assets funded from the CIIF P2.5-billion levy funds. From these assets, we should be able to generate at least P3 billion according to former UCPB head Danilo Ursua.

We shall have the proceeds deposited in approved banks and use interest earnings thereon (about P500 million yearly) to fund programs and projects, this time, for the benefit of the coco-

nut farmers and the industry. Projects like massive intercropping, livestock and application of technology such as use of buco juice as substitute for dextrose.

This we must do now. The industry faces many problems: low prices, replanting, funding, what to do with the oil mills, desiccated plants, UCPB, SMC shares, Cocofed, CIC, Cocomark, Unichem, Unicom, Bugnak, CIIF assets, copra quality, land reform. Many more.

With media's help and the cooperation of the coconut leaders and farmers, we can right what ought to be "righted" and make sure the benefits on the industry can truly filter down to the coco farmers who have been denied for so long.

Let us serve as best as we can. We owe it to our country and to the revolution of Feb. 22. We should have less of intrigue and power play, more of understanding and willing cooperation. *Tayo ay magtatulungan.*

OSCAR F. SANTOS

Chairman

Philippine Coconut Authority

Quezon City

/13046

CSO: 4200/1395

HEALTH MINISTRY REORGANIZATION EFFORTS REPORTED

Quezon City ANG PAHAYAGANG MALAYA in English 5 Aug 86 p 3

[Article by Romy Tangbawan]

[Text]

Persuading officials of the past regime to admit and repent their "unwholesome practices" may be a difficult task for the new administration.

But the Ministry of Health is slowly inching its way to do just that.

"It would seem impossible for erring officials to tell you what wrong they have done but many do," said Deputy Minister Rhala Gamboa in an interview with newsmen recently.

Gamboa, a young deputy health minister, said whenever they interview health officials, especially in the provinces, those who are confronted with their illicit practices in the past usually deny it initially. "But when we tell them we are giving them a chance to make up for their mistakes they become candid."

He said, though, that some are recalcitrant.

Health Minister Alfredo Bengzon together with deputy ministers Gamboa, Mario Taguwaldo and Manuel Roxas, have made it a point to fly to the provinces every weekend to interview health officials - provincial health officers, hospital chiefs, etc. - the result of which would be used as the basis of whether or not to retain them in the service.

During their weekly visits, they also consult representatives of the private sector and communities "to feel their pulse."

Thus far, the MOH has completed reorganizing in the regional level. Only four regional directors have been retained while one (Manuel Roxas) was promoted as deputy minister. Roxas was the

former health director of Region 6. He was credited with an excellent performance by the reorganization committee formed by Bengzon. The rest were retired while one was sacked for alleged "grave anomalous practices."

Reorganization at the provincial level is ongoing, with only four more regions to go. These are Regions 1 to 4.

Taguwaldo said they would usually interview their subjects one by one, telling them to evaluate themselves.

"We ask them why they did such and such a thing, despite their knowledge that it is a crime against the public which they are supposed to serve honestly."

He said the unwavering ones are always pinned down because "we gather enough information before facing them."

Taguwaldo said they will not take drastic action against the repentant ones, so long as their "sins are not grave." If a certain official is re-tirable, he is allowed to be retired.

"You see, we have to consider their contributions to the ministry during their long years in service," the former student-activist said, again hastening to add: "so long as their illicit practices are not grave."

Observers said this policy of the new MOH is "fair enough." As was reported earlier, many apprehensive officials have been observed begging for consideration at the health ministry, saying they could not have committed wrongdoings if they were not ordered by higher officials.

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CSO: 4200/1395

MINISTRY SPOKESMAN ON OBJECTIVES AT HARARE SUMMIT

BK011559 Singapore Domestic Service in English 1400 GMT 1 Sep 86

[Text] Singapore will strongly support Indonesia's bid to host the 1989 nonaligned summit. This is because it views that, as one of the founder members of the movement, Indonesia will be eminently qualified.

A spokesman from the Foreign Ministry said compared to other regional groups and considering its size, Asia has not had a chairmanship for a very long time. In his briefing to reporters on Singapore's objectives at the summit, the spokesman said Singapore will strongly support Indonesia's position on this issue, if it is raised at the meeting. He pointed out that significant improvements have been made in the socioeconomic condition of the East Timorese since integration with Indonesia in 1976. The Indonesians have opened the province to a number of foreign visitors, including journalists, who found the situation to be peaceful and that government-sponsored development projects have been implemented in the province. Singapore, therefore, believes that the item does not merit inclusion in the text of a declaration in the Harare summit.

At the summit, Singapore will also support Malaysia's proposal for setting up a South commission as the focal point for promoting dialogues on major issues facing the South. The proposal was first made at the South-South II conference last May. It called for such a commission to assess the present situation of the South, identify its options, and recommend concrete steps concerning future South-South cooperation.

On the Cambodian issue, ASEAN members of the Nonaligned Movement—Singapore, Malaysia, and Indonesia—will continue to seek a watching brief. The spokesman said little discussion on Cambodia is expected and the summit meeting will focus on those issues related to the situation in southern Africa. But the Cambodian issue, he said, is still alive and will be further pursued in what he described as the right time.

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CSO: 4200/1399

BRIEFS

TAN'S BAIL APPLICATION REJECTED—Jailed Malaysian businessman-politician Tan Koon Swan yesterday failed in his application for bail pending appeal against his sentence for his role in the Pan-El affair. Chief Justice Mr Wee Chong Jin, sitting as presiding judge of the Court of Criminal Appeal, gave three reasons for dismissing the application: One, Tan had pleaded guilty and the courts did not normally grant bail to those who took this course of action and had been convicted. Two, Trial Judge Mr Justice Lai Kew Chai had already used his discretion in rejecting an application for bail immediately after he had sentenced Tan to two years' jail and a fine of \$500,000 [Singapore dollars] last Tuesday. Three, the reasons given by Tan and his lawyer in their application for bail were purely personal. The latest court decision means that Tan, who was convicted of abetting former Pan-El finance director Tan Kok Liang in criminal breach of trust of about \$145,000 [Singapore dollars] belonging to the company, will have to spend at least another month in Changi's Moon Crescent Jail before his appeal against sentence comes up for hearing. [By Ben Davidson and Conrad Raj] [Excerpt] [Singapore THE STRAITS TIMES in English 2 Sep 86 p 2 HK] /12913

CSO: 4200/1399

THAILAND

REFUGEE KIN FACE ANTI-VIETNAMESE DISCRIMINATION

Bangkok KHAO PHISIT in Thai 4-10 Aug 86 pp 40, 41

[Article by Chon Botchon: "The Hope of Vietnamese Women in Mukdahan Is To Become a Thai"]

[Excerpts] In the evening, the bank of the Mekong River is filled with people seeking the coolness of the river area. Some go swimming. Even though there is no broad sandy area as there is near Nakhon Phanom, the Mukdahan dock still helps cool people during the hot season. Many young women like to stroll near the wall that runs along the river. Along the edge of the sidewalk, merchants with their pushcarts sell soft drinks and ice. One such merchant caught my eye immediately.

"I come here everyday. Buy sales are good only on the weekends. Sales are good on evenings like this."

This merchant, of slight build, talked to her customer in a friendly manner. I learned that "Nang" is a Vietnamese refugee who speaks the northeastern Thai dialect more fluently than she does Vietnamese. Her father is a Vietnamese from northern Vietnam. But she and her brothers and sisters were all born in Thailand.

"My father has told us that the Thai are good people and that few Thai look down on Vietnamese," she said when I asked her how the Vietnamese here view the Thai people. Her voice was very clam and even, like the Mekong River during the dry season. I wanted to ask her about the life of the Vietnamese here, whom many people dislike intensely.

From talking with this Vietnamese merchant in Mukdahan City, I learned that most of these Vietnamese refugees came from Laos. These Vietnamese refugees once thought about returning to their native country. But now, no one wants to return. Almost all of those below age 40 were born in Thailand. Many of the older refugees have died. In the past, North Vietnamese came and infiltrated the area in order to collect money to support the revolution. This caused a split among the Vietnamese living in Thailand. But now, such things no longer happen.

"When Vietnamese soldiers in Cambodia attacked the Phra Phalai Pass, we collected money and sent it to the Thai forces at the front in order to build bunkers to resist the Vietnamese," said this Vietnamese merchant.

Later on, I learned that these charitable donations help Vietnamese to obtain "green cards," or "passes." Those with a green card can travel anywhere they want in Thailand without being arrested for leaving the stipulated zone. Normally, Vietnamese cannot live outside that province.

Someone who knows the Vietnamese told me that the first step in obtaining a green card is to obtain a letter of reference. It is the provincial Rights Committee that decides who should be given a letter of reference. After obtaining a letter of reference, they are eligible for a green card. But it is very difficult to obtain this card. Many people have applied, and provincial authorities have sent a long list of names to Bangkok. Very often, the National Security Council rejects their request for a green card. Only 38 people in Mukdahan have received a green card. Another 50 people are waiting for a final decision.

An important factor in obtaining a green card is having a trading license and a receipt for a charitable donation. Also, the person must not have any history of involvement in political activities. Some Vietnamese have said that that last condition is unfair. In some cases, the files of the provincial ISOC [Internal Security Operations Command] do not contain any record of political involvement. But when the matter is sent to the National Security Council, it turns out that they have a record of political involvement. It may be that the data of the NSC are old data there were reported without being checked carefully. The reason why the province submitted the matter to the NSC is that they are close to the matter and can correct mistakes.

"Four members of my family have received letters of reference. But none has been issued a green card. We don't have a lot of money and can't make large donations like wealthy people," said Nang when I asked about this.

Even though they do not have a "green card" to travel outside the control area, some Vietnamese secretly leave the area. Some are arrested and fined 500 baht. Some try to forge documents showing that they are Thai citizens. Many Vietnamese women want to marry Thai men so that they can accompany their husband outside the control area and become Thai citizens using other methods.

I asked Nang how much education she had. She said that she had completed Grade 4. She said that few Vietnamese children go beyond secondary school. Because regardless of how much education they have, they can't enter government service. Most become merchants. Although they have the right to attend Sukhothai Thammathirat University, actually getting into the university is very difficult and so very few are interested in continuing their studies.

"Friends of mine go to Bangkok frequently. They risk being arrested at one of the checkpoints on the way to Bangkok."

Nang tried to tell me that nothing can stop them from wanting to see the world outside. She wants to go even if it is just for a short period. But she has never gone anywhere besides Mukdahan City. She is 23 years old and still a refugee.

"There are rumors that they will give residence cards to us in another 2 years or so."

That is the hope of Nang, who wants to change her status. She wants to be a Thai instead of a refugee. The Vietnamese who were born in Thailand all have the same hope. But will that dream ever come true?

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CSO: 4207/308

THAILAND

FISHERIES OFFICIAL REPORTS CAPTIVES IN BURMA, SRV

Bangkok DAILY NEWS in Thai 9 Aug 86 p 20

[Unattributed report: "About 500 Thai Fishermen Are in Jail in Burma"]

[Text] Mr Plotprasop Surawadi, the deputy director-general of the Department of Fisheries, said that Burma seized 12 Thai fishing boats during the period October 1985 to July 1986. Today, approximately 500 Thai fishermen are in jail in Burma.

The deputy director-general said that Burmese officials have not punished foreign fishermen who have violated Burmese territorial waters in accord with the Law of the Sea. Instead, they have charged them with various offenses, such as entering the country illegally, bringing weapons into the country, trafficking in narcotics, and fishing illegally in Burmese territorial waters. Offenders can be jailed for up to 5 years on that last charge alone. But according to the Law of the Sea, offenders can be fined only. People have also been charged with smuggling equipment into the country even though the equipment was equipment used on the fishing boats.

As for the lives of the Thai fishermen jailed in Burma, Mr Plotprasop said that based on statements made by fishermen who have returned, their lives are very difficult. Burmese jails lack water. Prisoners can bathe only twice a week. The same thing is true for food. They are usually fed boiled vegetables. Occasionally, they are given mackerel.

The deputy director-general said that besides the Thai fishermen seized by Burma, during that same period, that is, from October 1985 to July 1986, Vietnam seized 22 Thai fishing boats, Malaysia seized 53 boats, India seized 11 boats, and Bangladesh seized 1 boat. If the average value of a boat is 2 million baht, altogether, boats worth approximately 200 million baht have been seized.

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THAILAND

ADVOCACY GROUP'S OPEN LETTER PROTESTS PREM APPOINTMENT

Bangkok KHAO PHUSET in Thai 11-17 Aug 86 p 18

[Letter by Associate Professor Siwong Sumit, secretary general of the People's Coordinating Committee for Democracy (PCCD)]

[Text] 31 July 1986

Subject: Opposition to appointing an outsider prime minister.

To: Leader of the Democrat Party

The PCCD has monitored the activities of the MPs, political parties, and powerful people in forming a new government with great concern. We are very disturbed by the actions of certain MPs and political parties who promised the people that they would not appoint Gen Prem Tinsulanon or anyone else who is not an elected MP to the position of prime minister. But now that the election is over, these MPs and political parties are going back on their promise. They are trying to deceive the people, saying that it is necessary to appoint an outsider to the position of prime minister.

The PCCD feels that if today's sham democracy is to develop and become a true democracy, the MPs and political parties must be honest and act in accord with their platforms and the promises made to the people before the election. They can't simply forget the promises that they made, focusing their efforts on benefiting just themselves and their party instead. This is what was done in the past and it seems as if the same thing is true today. We feel that only if the MPs and political parties act in an honest and honorable manner will the people see their value and support them.

In a democratic political system, the people's duties are not limited just to voting on election day. What is even more important is for them to monitor and either support or oppose the actions of the MPs and parties for which they voted. They must watch to see whether the MPs and parties are doing things to benefit the people and whether their actions are correct and in accord with the promises made during the campaign. This is very important.

In the present complex situation in which dark powers and influences are putting pressure on the MPs and political parties to appoint an outsider,

particularly Gen Prem, prime minister, the PCCD is writing this letter to inform you that the PCCD and the people are watching to see whether you will side with the people or whether you are ready to serve the powerful people who were not elected and who do not have the legal right to form a government. We will support those MPs and political parties that honor the promises that they made to the people. We will expose and strike out at those MPs and parties that break their promises.

Sincerely,

Associate Professor Siwong Sumit
Secretary General
People's Coordinating Committee for Democracy

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THAILAND

VOTE-BUYING, CAMPAIGN TRICKS IN NORTHEAST DESCRIBED

Bangkok KHAO PHISIT in Thai 11-17 Aug 86 pp 27, 28

[Report by "707 Northeast": "Election Aftermath: Money and Gifts Are Still the Decisive Factors and so Political Investments in the Northeast Skyrocketed"]

[Text] In the northeast, candidates competed for 121 seats (from a total of 347 seats in parliament). The Social Action Party is still the leader in the northeast with 35 seats (14 fewer than it had before). On the other hand, the Thai Nation Party lost its No 2 spot to the Democrat Party. This election, the Democrat Party won 28 seats, which was contrary to the predictions of many people. Looking closely at the figures that have been reported, it can be seen that in the northeast, the number of political businessmen who ran for MP increased greatly. This is because money and gifts are still the decisive factors. These factors were used to sway votes during the final 2 days of the election. Political investments in the northeast are "profitable" investments. This can be seen from the election results in the 17 northeastern provinces.

Political Businessmen Take Bait To Feed the Fish

One week before the election, the IDRA Data Center reported that "vote-buying is most prevalent in the northeast, including both the upper and lower northeast. In the lower northeast alone, as of 15 July, at least 80 million baht had been spent to buy votes. Of this, at least 30 million baht had been spent in the various constituencies in Nakhon Ratchasima Province. About 20-35 million baht had been spent in Ubon Ratchathani, Sisaket, and Surin provinces. The remaining amount was divided about equally among the other provinces."

Political businessmen from Bangkok were very successful in Khon Kaen. Constituency 1 included Police Cpt Surat Osathanukhro and Mr Chawalit Osathanukhro. Constituency 4 included Mr Phong Sansin. All three of these men belong to the Social Action Party. It probably isn't necessary to mention in what business these three men are engaged. Simply mentioning the names "Osathasapha" and "Coke" indicate how wealthy they are.

In Constituency 1 in Buriram, Mr Phonthep Techaphaibun brought in quantities of Mekong whiskey and sold it for 1 baht per glass. Similarly, Mr Pricha Laohaphongchana of the Krung Thai Tractor Company distributed gifts in

Constituency 4 in Ubon Ratchathani Province, easily winning a seat in parliament. The Eagle, Gen Kriangsak Chamanan, who is called the "scourge of Roi Et, did the same thing.

Besides the businessmen from outside these areas, local political businessmen also did quite well. In Maha Sarakham, Mr Prayut Siriphanit and his team won five of the six seats. In Ubon Ratchathani, Mr Chaikasiri Ruangkanaset, who proclaimed himself a friend of the poor, and his team won 7 of the 12 seats. In Nakhon Ratchasima, Maj Gen Chatchai Churhawan kept the Thai Nation Party in firm control of this area, with the party winning 9 of the 15 seats.

Those are just a few examples indicating the situation in the northeast, which is shifting from an agricultural-based society to an industrial-based society. The urban way of life is affecting every aspect of village life. Thus, it is not surprising that political businessmen were able to win by paying villagers 10-50 baht or giving them various gifts, such as two packets of pain-killing medicine, six ducks, and two bottles of fish sauce.

Northeastern Democracy, Wealthy People [Sia]

The fact that the Democrat Party managed to win 28 seats in the northeast does not mean that the people voted for the party because of its great reputation. Rather, it is necessary to consider each person who ran for election and won.

People in general are probably surprised that the Democrat Party won in Udon Thani and Nong Khai provinces. After Mr Prachuap Chaيسان, Sia Slot, moved from the Thai Nation Party to the Democrat Party, he selected the candidates and so the party was able to win six seats. In Nong Khai, the two Democrat candidates were heirs of Kinkai, a millionaire in Nong Khai.

In Sakon Nakhon and Kalasin, even though Mr Khunthong Phuphiuduan, the "Democrat warlord of the northeast," was defeated, other Democrat candidates managed to win. Many of the candidates were very wealthy people. Besides campaigning, they also engaged in vote-buying. Nakhon Ratchasima was an interesting battleground. Mr Nippon Phromphan, "Sia Khammai," won 100,000 votes in Constituency 5, and this enabled the Democrat Party to pick up four seats here.

In the lower northeast, where Mr Suthat Ngoenmun was the commander, much support was received from the "Sato Group." But contrary to expectations, the party won only four seats. Even Mr Suthat failed to win election. It is said that Mr Suthat miscalculated. Even though he had the necessary factors, he was afraid to use them. When Tang Hua ordered his team to engage in large-scale vote-buying activities during the final 2 days of the campaign, Mr Suthat tried to counter this. But he was too late.

Mr Wichit Saengthong won a seat in Sisaket. Everyone knows that he campaigned as "Sia Wichit. Mr Withaya Khan-asa, a newcomer, managed to win in Constituency 1 in Ubon Ratchathani. He won by waging a skillful campaign and engaging in vote-buying activities using "factors" provided by a group of investors who supported him. The same thing was true of Mr Rawi Kingkhamwong, who engineered the defeat of "2 Ch" in Mukdahan.

In Constituency 2 in Nakhon Phanom, Mr Khaisaeng Suksai lost last time because he engaged in campaign activities only. He did not try to buy votes. But this time, he relied on "factors" provided by various groups and on his name. As a result, Mr Khaisaeng managed to win his election race.

Northeast Is Not Devoid of Honest MPs

Many candidates running for the first time became very discouraged, because it seemed that they could not win by campaigning only. But many of those who ran a clean campaign did manage to win.

In Yasothon, one of the most well-known candidates was Mr Withun Songkrai, who ran as a member of the Thai Mass Party. He ran a clean campaign and won the votes of villagers who are fans of his radio program. During the election, he came under heavy criticism. People said he was just a country singer who had only a Grade 4 education. But these attacks just increased his popularity and he was able to defeat those candidates who had spent much money in their campaign. And the people of Yasothon can't be looked down on for electing a candidate with a Grade 4 education, because they also elected Dr Phiraphan Phalusuk.

Mr Wisan Detchasen won more than 70,000 votes. It must be admitted that many of these votes were "sympathy" and "campaign" votes. That is a fact in Yasothon. No one can deny that.

An interesting fact about the race in the northeast is that many radio personalities ran for election, and many of these people won. Examples are Mr Sangthong Sitharet in Constituency 1 in Kalasin, Mr Chawalit Mahachan in Constituency 2 in Chaiyaphum, Mr Wichai Chanchaoen in Constituency 1 in Surin, Mr Withun Wongkrai in Yasothon, and Mr Amphon Charoenchan in Constituency 1 in Maha Sarakham. Mr Mahahing Phraisin came very close to winning in Constituency 1 in Sisaket. These people already had a base of support among their fans. Thus, by using various "factors," it was relatively easy for them to win election.

If another general election is held, the political businessmen will definitely set their sights on the northeast rather than the central, northern, or southern regions, where it is more difficult to buy votes. In the northeast, a small investment can yield good results. The tradition of repaying a kindness is still deeply imbedded in the minds of northeasterners. This is because candidates have turned giving money and goods into a fashion.

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THAILAND

NEW PREM ECONOMIC TEAM ANALYZED

Bangkok DAILY NEWS in Thai 17 Aug 86 pp 5, 14

[Take Off the Mask column by Wira Thiraphat: "The Prem 5 Economic Cabinet: Nothing Much Is Happening, Don't Expect Much"]

[Text] If we list the ministries that are concerned with economic matters, it must be admitted that there are other units besides the Ministry of Finance, the Ministry of Agriculture and Cooperatives, the Ministry of Communications, the Ministry of Commerce, and the Ministry of Industry. Other such units include the Ministry of Foreign Affairs, the Ministry of Interior, and units in the Office of the Prime Minister, including the Office of the Board of Investment, the Office of the National Economic and Social Development Board, and the Bureau of the Budget.

From this, it is clear that it is very unlikely that there will be any major shift in economic policy. "The main figures, such as those in the Ministry of Finance, the Bureau of the Budget, and the Development Council, were all on the previous economic team," said a news source in the Government House.

However, there are things worth keeping an eye on. The fact that the Ministry of Agriculture and Cooperatives is now under the control of the Democrat Party means that this ministry will probably play a greater role. "Mr Han is a hard worker who will definitely move to make changes if there is something he does not like. And unlike the previous minister of agriculture, he will not be afraid of reporters," said a political observer. He added that the Democrat Party has high hopes that this ministry will serve as a "showpiece" for the party. Because of pressure from other coalition partners, that is, the Social Action and Thai Nation parties, and followers of Gen Prem, the Democrat Party has been "held in check." For this reason, it is worth keeping an eye on what happens at the Ministry of Agriculture.

While the Ministry of Agriculture will try to serve as the vanguard for the Democrat Party, the Thai Nation Party, which has been awarded the communications and industry portfolios, is in a different situation. "The Thai Nation Party agreed to give the Ministry of Public Health to the Democrat Party in exchange for control of the Ministry of Communications. That will challenge the skills of the party's secretary general, Mr Barhan, because he does not have any experience in this field. The only thing is that his

brother, Mr Chumphon Silapa-acha, served as deputy minister of communications during the period that he [Chumphon] was deputy speaker of the House. If he does anything, he will probably have to look back to the time of Mr Chumphon," observed the news source.

As for the Ministry of Industry, from what has been done so far in forming a team, it can be seen that even though the Thai Nation Party has given control of this ministry to Mr Pramuan Saphawasu, a building contractor, because the nephew of the leader of the Thai Nation Party, Mr Kon Thapparangsi, has been appointed deputy minister of industry, it must be admitted that the real minister will be Mr Kon rather than Mr Pramuan. Another thing that must be watched is whether there is a "direct link" from Maj Gen Chatchai Chunhawan, the deputy prime minister, to Mr Kon Thapparangsi through the Thai Nation camp. Even though this may not directly affect the interests of others, there is a great chance of problems arising within the Ministry of Industry unless the work is divided well.

Police Cpt Surat Osathanukhro, a member of the Social Action Party, has been reappointed minister of commerce. But the fact that such talented people as Mr Prachuap Chaiyasan, a member of the Democrat Party, and Mr Chuchip Hansawat, a member of the Thai Nation Party, have been appointed deputy minister, means that he will no longer be able to do whatever he wants as he did when his deputies were fellow members of the SAP. "Mr Surat is a gentle man who is good at coordinating interests. Unless problems arise at the very beginning, things should be relatively quiet at this ministry, with each person carrying out his responsibilities," said a businessman.

Viewing things this way, administration in the important economic ministries will remain virtually unchanged. The political parties have "played" with the economic ministries without achieving very much. The fact that Mr Suthi Singsane has returned to the Ministry of Finance with a high position means that "there will be a continuation of the previous financial and monetary policies rather than any radical shift in direction," said the news source.

Even though the Democrat Party will have a very capable person, that is, Dr Suphachai Phanitphak, serving as deputy minister of finance, the final decisions will be made by Mr Suthi. And it is thought that Mr Suphachai will be responsible for development and planning tasks rather than the day-to-day tasks and problems requiring urgent attention. The foundation has already been laid, but little has been done to implement things. "As for the problems involving the financial institutions and banks, senior people are well aware of the problems and have made preparations to solve them. It's just that the time hasn't been right. But now that the senior people at the finance ministry and the new minister have reached an understanding, they will probably be able to move forward," said the news source in the Ministry of Finance about future directions.

Based on the actual situation today, because the budget deficit is still a major problem, foreign debt creation must be controlled, there must be financial discipline, and monetary policy must continue to stress the stability of the economic system and value of the baht so that problems do not arise. Thus, the Ministry of Finance will not be able to take any radical

action. The area in which major changes can be made is in improving the state enterprises. This is a major issue, and people will be hurt if decisions are made.

Viewed this way, the Prem 5 government and the new economic cabinet offer little hope (just as in the past).

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THAILAND

DEPUTY PRIME MINISTER SONTHI PROFILED

Bangkok DAILY NEWS in Thai 18 Aug 86 p 5

[DAILY NEWS Square column by Manthana: "Admiral Sonthi Buriyachai, the Deputy Prime Minister in the Prem 5 Administration"]

[Text] Finally, a new cabinet has been formed. We will have to watch and see how capable each of the new ministers is. Today, DAILY NEWS Square column would like to introduce the deputy prime minister, Admiral Sonthi Buriyachai. Many people would like to know more about him.

The deputy prime minister, Admiral Sonthi Buriyachai, was born on 20 June 1917 in Banglamphalang Subdistrict, Phlong San District, which was then located in Thonburi Province. His father was Kuan Arasit Phirunkan (Chaiya Buriyachai), a government official. His mother was Mrs Tuan Buriyachai, an orchardist who grew durians in Thonburi Province. He has several well-known brothers: Air Marshal Pridit Buriyachai and Police Maj Gen Chit Buriyachai. Police Maj Gen Chit is the deputy commissioner of the Provincial 1.

After completing lower secondary school at Wat Sutthiwararam School, he entered Suanbulap School, where he graduated from upper secondary school in the same class as Admiral Thiam Mokaranon and Rear Admiral Sanong Nisalak in 1934. In 1939 he entered the naval academy, the same class as Admiral Sangat Chaloyu. He took the 5-year course. He scored the highest in his class every year. He held various important positions in the Royal Thai Navy. For example, he served as the chief gunnery officer aboard the Pattani and was chief officer aboard the Sissamut (a submarine). He commanded the Chanthaburi and served as the chief of staff of the Royal Thai Marine Corps. He was the commandant of the Chumphon Naval School. He served as the director of the Naval Logistics Department and the Naval Finance Department, the assistant naval chief of staff for logistics, the director of the Directorate of Joint Logistics, the assistant RIN CINC, and the deputy RIN CINC.

Besides that, he once commanded the Phosanton, a warship that the Thai government sent to participate in the coronation ceremony of Queen Elizabeth II in England in 1953. Politically, he served as a member of the Legislative Council (by appointment) three times, that is, in 1972, 1976, and

1978. He also served as an elected MP in 1981 and 1983. He served as deputy prime minister in the Prem 4 government and now holds the same position in the Prem 5 government.

He is married to Phakhun Na Nakhon. She is the daughter of Khun Chinthabiankit (Chin Na Nakhon), a government official and businessman, and Pha-ob Na Nakhon, who had her own business. She graduated from Mater Dei School. After that, she became a housewife and operated her own business.

As for how they met each other, the deputy prime minister met his future wife while visiting one of her relatives. This relative was a teacher, and he went to see this teacher. Phakhun happened to be visiting her relative and so they met each other. His wife, whose maiden name was Na Nakhon, has an older sister named Cha-umsi Wiranuwat, the wife of Dr Wikit Wiranuwat. Admiral Sonthai has said that what impressed him about her was that "she seemed like a very neat and orderly person. We had known each other for about 2 years when I asked her to marry me." His wife said that she was impressed with him. She fell in love with him and finally agreed to marry him. She said that "he seemed like a very intelligent man and had a good reputation in his work. He had a very kind heart. And what was very important was that my parents liked him very much." After seeing each other for 2 years and falling deeper and deeper in love, they finally married on 14 November 1939 in Bangkok Metropolitan. Admiral Luang Sinthusongkhrochai and Admiral Luan, Channan Anthayut served as hosts. They have had a very happy life together. They have two children. The eldest is Arawi Phungchoetchu. She earned a degree in business administration in the United States. She is married to Dr Phnom Phungchoetchu and now lives in the United States. Her husband graduated from Sirirat and is a psychiatrist. He works as a doctor in the United States. They have twin daughters. The second child of Admiral Sonthi is Lt Commander Yot Buriyachai. He earned his master's degree in sociology in Arizona in the United States. He works at the Military Research and Development Center. He is married to Nawaphon Suthatnanon, the elder sister of Sunantha Thephatsadin Na Ayuthaya.

This is the background of the deputy prime minister, who is 69 years old and still very strong. He has been a fierce fighter ever since he was a young man.

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THAILAND

FEW CHANGES EXPECTED IN FINANCE MINISTRY

Bangkok DAILY NEWS in Thai 15 Aug 86 p 3

[Unattributed report: "Few Major Changes in Finance Ministry, National Bank; Kamchon, Banthit, Kraisi Still Firmly in Place"]

[Text] There is just one C-10 position vacant in the Ministry of Finance. Few changes are expected this October, because Suthi is in charge. The position that everyone is watching is governor of the national bank. But no change is expected. Kamchon still has the right to stay on in this position. Another deputy under secretary position, a C-10 position, will be created.

A news source from the Ministry of Finance said that in the wake of the appointment of Mr Suthi Sinsane as the new minister of finance in place of Mr Sommai Huntrakun, no major changes are expected in the Ministry of Finance. In particular, Mr Kamchon Sathirakun is expected to stay on as governor of the Bank of Thailand. This is because they have worked together ever since Mr Kamchon served as the director of the Fiscal Policy Office.

"Normally, the Ministry of Finance considers transferring people around the middle of September. But Mr Suthi won't have to spend much time evaluating people, because he was deputy minister and so he already knows them. It isn't yet apparent whether Mr Suthi will put his own people in key positions. This is because it isn't yet clear which are his people. One such person, Mr Suphachai Phisitwanit, who is Mr Suthi's secretary, was appointed deputy director-general of the Comptroller-General's Department just recently."

The news source from the finance ministry said that only one person at the C-10 level will retire this year. That is Mr Bunchu Angsusing, the inspector general. As for Mr Sunthon Sathianthai, another inspector general, even though he is not old enough to retire, there are rumors that he will resign because of bad health. Besides this, the Ministry of Finance has asked permission to establish another deputy under secretary position. The Civil Service Commission approved this. This will go into effect on 1 October. Thus, there will be two vacant C-10 positions if Mr Sunthon Sathianthai does not resign. "We will not submit any names to the minister until the new budget, that is, the 1987 budget, is approved, so that we have money for salaries. But we are now looking at several people, said Mr Phanat Simasathian, the under secretary of finance. He explained that the ministry needs another deputy

under secretary in order to divide the workload, which is very heavy. The work of the three deputy under secretaries will be redivided. At present, Mr Phuchong Phengsi oversees the Fiscal Policy Office, and Mr Phaichit Rotchanasanit oversees the revenue collection departments and the Comptroller-General's Department.

However, the news source said that normally, those at the C-9 level, that is, the level of director-general, are transferred every 4 years. Those who have been at this level for 4 years already include Mr Kraisi Chatikawanit, the director-general of the Customs Department, and Mr Banyat Bunyapana. At the C-8 level, those who have completed their term include ML [royal title--FBIS] Chatumongkong Sonakun and Mr Lu Sabguanphong, the deputy directors-general of the Revenue Department.

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THAILAND

CHAWALIT HONORS ATHIT, CHUTHAI FOR SERVICE

Bangkok SENASAN in Thai Jul 86 pp 3, 4

[Commendations awarded to Gen Athit Kamlangek, the supreme commander, and Gen Chuthai Saengthawip, the inspector general, signed by Gen Chawalit Yongchaiyut, the RTA CINC]

[Text] Commendation to Gen Athit Kamlangek, the Supreme Commander

While serving as RTA CINC from 1 October 1982 until 27 May 1986, Gen Athit Kamlangek held fast to the institutions of nation, religion, and monarchy and to the democratic form of administration. He carried out his duties firmly, resolutely, and patiently. He made personal sacrifices in the line of duty. He worked tirelessly to promote solidarity within the army and develop the efficiency and combat readiness of the military. He worked to have all soldiers love each other, unite, and be sincere with each other. He treated his subordinates in a kind and fair manner. He promoted people who were efficient, who were qualified, and who had seniority. He was a commander who had great experience. He had a broad world view. He manifested the qualities of an excellent leader in every situation, both in normal times and in emergencies. He was interested in improving the morale and welfare of his subordinates, particularly the lower ranking soldiers.

Thus, Gen Athit Kamlangek is a center of trust, confidence, and pride. He is a respected military leader who will be remembered by his subordinates forever.

Announced on 4 June 1986

Gen Chawalit Yongchaiyut
RTA CINC

Commendation to Gen Chuthai Saengthawip, the Inspector General

While serving as deputy RTA CINC from 1 October 1985 to 27 May 1986, Gen Chuthai Saengthawip carried out his duties honestly and seriously in a disciplined manner. He held fast to the institutions of nation, religion, and monarchy and to the democratic form of administration. He was always loyal to his superiors and treated his subordinates in a fair and sincere manner. He was not afraid to express his opinions. He loved justice, and he loved his

fellow soldiers. He scored many achievements in carrying out his duty of maintaining national security. He was trusted by his superiors, loved by his fellow officers, and respected by his subordinates.

The record of Gen Chuthai Saengthawip will be remembered by his subordinates and serve as a good example for them.

Announced on 4 June 1986

Gen Chawalit Yongchaiyut
RIA CINC

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THAILAND

ARMY JOURNAL PROFILES CHAWALIT CAREER

Bangkok SENASAN in Thai Jul 86 pp 5-8

[Background on Gen Chawalit Yongchaiyut, the RTA CINC]

[Text] Background and Education

Background:

Rank and name: Gen Chawalit Yongchaiyut

Age: 54

Date of birth: 15 May 1932

Place of birth: Bangkok Metropolitan

Nationality: Thai

Religion: Buddhist

Marriage status: Married to Lady Phankhrua Yongchaiyut. They have three daughters.

Other: Height: 165 cm. Weight: 65 kg. Fair complexion. Medium build.

Current residence: 69/15 Pin Praphakhom Lane, Talat Kwan Subdistrict, Muang District, Nonthaburi Province.

Education:

1969: Senior officers paratroop course, Class 2, Thailand.

1964: U.S. Army Command and General Staff College. Staff course (Fort Leavenworth).

1963: Army Command and General Staff College, Thailand.

1962: Military communications school, Thailand. Battalion commander course.

1961: 9th Corps, Okinawa, Japan. Training course on repairing communications equipment.

1959: Army Communications School, Fort Monmouth, United States. Microwave equipment repair course.

1953: Chulachonklao Royal Military Academy, Thailand.

1949: Triamudom School, Grade 11, Amnuaisin School.

Military Ranks and Positions

Military ranks:

January 1954: Acting sublieutenant

January 1955: Sublieutenant

January 1956: Lieutenant

January 1959: Captain

October 1961: Major

October 1965: Lieutenant Colonel

October 1969: Colonel

October 1979: Major general

October 1982: Lieutenant general

October 1985: General

Military positions:

May 1986: Appointed RTA CINC

October 1985: Army chief of staff

1983: Deputy army chief of staff

1982: Assistant army chief of staff for operations

1981: Director, Directorate of Operations; head of operations, National Peacekeeping Command.

1980: Director, Directorate of Operations

1979: Aide to the minister of defense and attached to Army Headquarters

1971: Divisional chief, Directorate of Operations
1968: Staff officer attached to the Directorate of Operations
1967: Operations and training officer with the Volunteer Regiment
1960: Commander of a rear area communications equipment repair company, Signal Department

Decorations

5 December 1984: Mahaporesaphon Order of the Elephant
5 May 1984: Order of Chulachonklao Second Class
5 December 1983: Mahasachira Mongkut
5 December 1982: Prathomaphon Order of the Elephant
5 May 1982: Order of Chulachonklao Wiset Third Class
5 December 1980: Prathomaphon Mongkut Thai
5 December 1976: Thawidiyaphon Order of the Elephant
5 December 1974: Thawidiyaphon Mongkut Thai
5 December 1970: Order of the Elephant, Third Class
25 September 1970: Medal of Freedom, Second Class
December 1968: Bronze star, V Class
17 December 1968: Explosives branch insignia to go with the theater victory medal (Vietnam)
10 September 1968: Theater victory medal (Vietnam)
5 December 1966: Mongkut Thai decoration, Third Class
5 December 1964: Order of the Elephant, Fourth Class
5 December 1962: Mongkut Thai, Fourth Class
5 December 1961: Order of the Elephant, Fifth Class
18 November 1953: Mongkut Thai gold medal
Political positions (1981 to the present):
1983-present: Senator

1981: Chairman of the Energy, Resources, and Environmental Study Committee

1981: Advisor to the prime minister

Special duties (1951-1983):

26 October 1983: Appointed special officer attached to the 1st King's Guard Infantry Regiment and the 4th King's Guard Cavalry Regiment.

24 September 1983: Appointed special officer attached to the 31st King's Guard Infantry Regiment.

16 April 1983: Appointed special aide-de-camp to the king.

21 March 1983: Director of the Army Operations Center and chief of operations at the Operations Center, National Peacekeeping Command.

14 May 1981: Appointed royal aide-de-camp.

1969-1972: Special communist suppression duties.

16 January-20 August 1967: Served in Vietnam.

1965-1966: Special duties in halting communist incursions.

30 June-5 September 1951: Special duties in suppressing the 29 June 1951 insurrection.

Special Activities

Writings, lectures, and interviews:

18 August 1985: Lecture on the topic "Thailand and Solving the Cambodian Problem" on the Conversations on the Country's Problems program. Appeared together with Air Chief Marshal Sitthi Sawetsila, the minister of foreign affairs, and Squadron Leader Prasong Sunsiri, the secretary general of the National Security Council.

April 1985: Lecture on the topic "The United Front of the Communist Party of Thailand" given at a meeting of the Psyops Committee, Internal Security Operations Command.

March 1985: Lecture on the topic "The Role of the Military and Politics" given at a seminar for public relations officials in Hat Yai District, Songkhla Province.

February 1985: Lecture on the topic "Problems in the Struggle Against the Communist Party of Thailand" given to officers attending the Army Command and General Staff College.

April 1983: Lecture on the topic "The Security of the Nation" given at a meeting of members of the Business Management Association of Thailand.

April 1983: Special discussion on the topic "Changes in the Country's Security Situation" by Lt Gen Chawalit Yongchaiyut and Dr Siwanut Thephatsadin Na Ayuthaya at the cremation of those who died for their country.

October 1982: Article on the topic "The Role of the Military Concerning Political Security" published in CHITWITTHAYA KHAM MANHONG.

October 1982: Lecture on the topic "Summary of the Results of the Struggle To Defeat the Communists, 1982" given at the conference to summarize the results of the struggle to defeat the communists at the CFMA [Chulachomklao Royal Military Academy] auditorium.

July 1982: Lecture on the topic "Strategic Offensive, National Politics" given at a meeting of the Anti-Communist Policy Committee at the National Security Council.

October 1981: Lecture on the topic "Evaluation of the Results of the Strategic Offensive and Anti-Communist Struggle Plans" given at the CFMA auditorium.

October 1980: Article on the topic "Lines in Formulating an Anti-Communist Plan."

April 1980: Order No 66/23 on anti-communist policy.

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THAILAND

LETTER NOTES IRREGULAR COMBAT FORCE CRIMES, ABUSES

Bangkok KHAO PHISIT in Thai 11-17 Aug 86 p 7

[Letter by a "resident of Sichon"]

[Text] The Thahan Phran Irregulars and a Question
15 July 1986

To: The editor of KHAO PHISIT

Past experiences have shown that the thahan phran irregulars can operate very efficiently. But are all their operations under the supervision of those responsible? In several rural areas where thahan phran irregular (TPI) units have carried on communist suppression operations, various things have happened that have greatly alarmed the people. For example, in Sichon and Tha Sala districts in Nakhon Sithammarat Province, TPI units have seized and tortured people. Since June 1986, dozens of elderly people have been beaten unconscious. People have been forced to eat rubber sandals and pebbles. Some people have had their faces slashed with sharp objects and then had fish sauce poured into the wounds. People have been tied in chains and beaten. Honest people have had to eat food into which others have spit. The thahan phran irregulars treat people like animals. At the same time, the thahan phran irregulars say that certain people must be caught dead or alive. Those whom they have mentioned include Comrade Kao, Comrade Bun, Comrade Phairot, and Comrade Sawat. But they have not been able to catch these people. Instead, they have suppressed people illegally and violated their human rights. Hundreds of people have been tortured. People have complained and gone to the subdistrict chiefs and village headmen for help. But the subdistrict chiefs and village headmen have been tortured, too. They have had to flee and ask to stay with district officials. They have been afraid to return home and carry out their duties. Some subdistrict chiefs and village headmen have been forced to give weapons to thahan phran irregulars. Those who do not have weapons have been forced to give them money. Some have lost thousands and even tens of thousands of baht. Thahan phran irregulars have sometimes run amuck, robbing the villagers. Some thahan phran irregulars have been arrested, but their friends have gone and freed them. The local police have not been able to prosecute them.

If there is any doubt about the truth of this, you can send people to the provincial police station in Sichon District to verify the facts and to question villagers in Sichon and Tha Sala districts.

Considering this from the standpoint of Order 47/1986 and what the commander of the TPI forces said in an interview, there is great doubt about whether or not we will be able to defeat the communists. Because these activities are actually increasing the strength of the communists. Villagers have been forced to flee into the jungle or become communists. They are very afraid of the thahan phran irregulars.

I would like to ask Gen Chawalit Yongchaiyut, the RTA CINC, to give attention to the suffering of the villagers. Because he is the one who established the thahan phran irregulars. In an interview concerning the future of the thahan phran irregulars and TPI budget funds, or the sweat and tears of the villagers, Maj Gen Chatchaloem Lekwanitthammawithak, the commander of the thahan phran irregulars, said that "we are villagers and work like villagers." This is why the people have to "cough up blood" and why they are kicked unconscious by thahan phran irregulars.

If such things continue to happen based on Order 47/1986, it will be the villagers who continue to suffer.

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INTERNATIONAL RELATIONS, TRADE, AND AID

ARMY PAPER HAILS SOVIET NUCLEAR TEST MORATORIUM

BK291415 Hanoi International Service in English 1000 GMT 29 Aug 86

[Text] The Hanoi army paper QUAN DOI NHAN DAN on Friday [29 August] carries an article hailing the Soviet Union decision to expand its unilateral moratorium on nuclear test and criticizing the Reagan administration's negative attitude toward this Soviet initiative. The paper says: Public opinion from east to west, north to south, and from ordinary people to leaders and well known politicians have praised the Soviet Union's courage and clear-sighted decision. They consider this an expression of a new political thinking, the clear-sightedness and high sense of responsibility of the Soviet Union toward nuclear disarmament and the prevention of war danger in the present complicated situation when the nuclear arsenals of the nuclear superpowers are so big that they can easily exterminate life on earth dozens of times.

The paper says: This is the fourth time the Soviet Union has decided to extend its nuclear test moratorium. All people of conscience say this is a noble decision with high sense of responsibility toward mankind's destiny. Everyone can easily realize the great act and the great self-restriction of the Soviet Union when it declared its unilateral moratorium on nuclear tests and three times extended its moratorium, while the United States continued nuclear testing. What has the United States done in response to the Soviet Union's goodwill attitude and its spirit of self-restriction?

The reply is that Washington has completely showed its negative and irresponsible attitude. High-ranking U.S. officials from President Reagan to Defense Secretary Weinberger and State Secretary George Shultz have rejected this Soviet proposal. They even said that the Soviet union's decision to suspend nuclear tests is its own business. As for the United States, it continues its nuclear testings for its security interests and exaggerates to consolidate defense capacity, perfect the U.S. nuclear deterrent strength, and defend the security interests of the West, and so on and so forth.

Washington explained that the sort of nuclear tests the United States is doing now have been perfected by the Soviet Union a long time ago and the United States must do it now just to catch up with the Soviet Union; the Soviet moratorium is but a propaganda stunt as the available equipment at present is not sophisticated enough to keep a truthful track of such a moratorium.

With an aim to gain military superiority over the Soviet Union, the United States has conducted 18 nuclear tests since the Soviet Union declared its unilateral nuclear test moratorium. This has aroused strong indignation and protest among world public opinion, including that in the U.S. NATO allies countries. Dutch Defense Minister Fekelen urged the United States to quickly sign with the Soviet Union a treaty banning all nuclear tests. He said most of West European countries would demand that the United States positively considered the Soviet Union's decision. For his part a French MP, Mr (Grane) criticized Washington's hasty slander against the Soviet proposal and said this Soviet decision once again proved that the Soviet Union is the protector of peace on earth. Political circles in the Federal Republic of Germany, a reliable ally of the United States, have positively reacted to this Soviet proposal. (Ruwe), vice president of the parliamentary alliance group considered the Soviet Union's decision a step to be appreciated. He persuaded the United States to spend time to think about promoting negotiations. FRG Foreign Minister Genscher said the extension of nuclear test moratorium is useful to efforts for an end to all nuclear tests.

QUAN DOI NHAN DAN adds: The world public is demanding that the United States positively respond to this Soviet initiative. First of all, Washington must follow the Soviet Union's example to halt immediately all nuclear tests, while seriously negotiating with the Soviet Union on the complete ban of nuclear testings, advancing to a thorough nuclear disarmament.

In conclusion, the paper says the present attitude of the Reagan administration is irresponsible and impractical.

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CS0: 4200/1400

INTERNATIONAL RELATIONS, TRADE, AND AID

BRIEFS

TAN PHAT TO LIBYA--Hanoi VNA 30 August--Huynh Tan Phat, vice chairman of the State Council, president of the Presidium of the Central Committee of the Vietnam Fatherland Front, and special envoy of State Council President Truong Chinh, left here on Thursday for Tripoli to attend the celebration of the national day of the Socialist People's Libyan Arab Jamahiriya. Truong Chinh and Le Thanh Nghi, president and vice president of the State Council were among the farewell party. [Text] [Hanoi VNA in English 1511 GMT 30 Aug 86 OW] /12913

ENVOY FROM FINLAND--Hanoi VNA 30 August--The new Finnish ambassador to Vietnam, Euro Saarikoski, today presented his credentials to vice president of the State Council Le Thanh Nghi. Vice President Le Hanh Nghi had a cordial conversation with the Finnish diplomat. [Text] [Hanoi VNA in English 1456 GMT 30 Aug 86 OW] /12913

FOREIGN SPECIALISTS VISIT--Hanoi VNA 2 September--Minister Dao Trong Truyen, general secretary of the Council of Ministers, arranged a cordial get-together with the representatives of foreign specialists here this evening at the Vietnamese-USSR friendship workers palace on the occasion of the 41st National Day of Vietnam (2 September). On behalf of the Central Committee of the Communist Party of Vietnam and the council of ministers, Dao Trong Truyen expressed sincere gratitude to the specialists of the Soviet Union and other countries for their devoted assistance. [Text] [Hanoi VNA in English 1618 GMT 2 Sep 86 OW] /12913

OFFICIAL DEPARTS--Hanoi VNA 3 September--Dr Tatsuro Kunugi, special envoy of the UN Secretary General, who is in charge of coordinating international humanitarian aid programs for Kampuchea, left here today after a two-day visit to Vietnam. The guest had working sessions with Vo Van Sung, assistant to the Vietnamese Foreign Minister, on issues of mutual concern. [Text] [Hanoi VNA in English 1503 GMT 3 Sep 86 OW] /12913

CSO: 4200/1400

CRITICISM EFFORTS OF HO CHI MINH CITY PRESS EVALUATED

Ho Chi Minh City SAIGON GIAI PHONG in Vietnamese 22 Jun 86 pp 1, 4

[Notice of Standing Committee of Municipal Party Committee on criticism, self-criticism drive in municipal press: "Standing Committee of Municipal Party Committee Highly Rates Initial Results and Work of All Classes of the People, Cadres and Party Members, and of the Newspapers and Radio; Newspapers and Radio Have Made Extraordinary Efforts, Renewed Operational Methods, and Devoted Much Work in Successfully Achieving Their Function as the Voice of the Party, and Simultaneously the Voice of the People; Standing Committee of the Municipal Party Committee Advocates Continued Criticism and Self-Criticism in Newspapers During Phase of Preparation for Party Congresses at All Levels, and To Become a Regular Procedure after the Congress"]

[Text] On 21 June 1986, the Standing Committee of the Municipal Party Committee issued a notice that is presented in full below:

Since the beginning of April 1986, carrying out the Directive of the Secretariat of the Party Central Committee, the Standing Committee of the Party Central Committee has directed newspapers and radio stations in the city to highly emphasize and assist in strongly promoting the self-criticism and criticism drive in preparation for party congresses at all levels.

The guidance plan of the Standing Committee of the Party Central Committee stated that newspapers and radio stations must develop their role and responsibility in disseminating the significance, objectives and requirements of this self-criticism and criticism drive; at the same time promptly, accurately and straightforwardly reflecting the opinions of the party members, cadres and people in order for concerned party and state agencies to accept, make the proper corrections, and be responsible for clearly replying to those problems raised by the party members and masses that are not yet accurate.

1. With the assent of the Standing Committee of the Municipal Party Committee, daily papers of the municipal party organization have lead the way in opening letter boxes for contributing suggestions to the party congress following the spirit of "the party believing in the people, the people believing in the party." During a period of a little more than 2 months, the paper SAIGON GIAI PHONG alone received more than 1,600 letters with opinions and criticism from the cadres and people. Two-thirds of these letters presented problems to the party on policy line, the economic and social management apparatus, the organization of party construction self-criticism and criticism, etc. One-third of

the letters reflected and criticized the ethical qualities and behaviors of cadres and party members. Other radio station and newspaper agencies also received more than 1,000 letters with opinions and criticisms during a period of 2 months.

The theme of the criticism was generally aimed at a constructive objective, indicating the profound unanimity of the cadres, party members and masses concerning the policy of the Municipal Party Committee to promote open criticism and self-criticism in the press; and many specific ideas and methods were proposed for developing new factors, blocking and repelling negative aspects, and assisting to build the party and pure and wholesome revolutionary organizations.

The Standing Committee of the Municipal Party Committee highly rates the initial results and work above of all classes of the people, of the cadres and party members, and of the newspapers and radio stations.

Because of insufficient newspaper space and radio time for all of the thousands of letters, the newspaper and radio agencies have transferred all the letters to the Standing Committee of the Municipal Party Committee and concerned sections and sectors for study and acceptance for use or to overcome and correct if an opinion criticizing a shortcoming.

On the other hand, the Standing Committee of the Municipal Party Committee has noticed that in the newspapers and on the radio, there have recently been few opinions contributed by labor collectives and mass organization at the basic level. The masses must rely on their own organizations, especially at the primary level, before they can develop the strength and right of collective ownership in every field of activity, including the resistance to negativism. The press must give concern to reflecting the opinions of the mass organization in criticism of party construction.

2. The municipal press for more than the past 2 months, especially the papers SAIGON GIAI PHONG and TUOI TRE and the radio and television stations, have made extraordinary efforts, renewed their operational behavior, and devoted much work in successfully achieving their function as the voice of the party and the mass organizations, and simultaneously the voice of the the people. Municipal newspapers and radio stations have maintained close contact with the regular supervision and guidance planning of the Standing Committee of the Municipal Party Committee on this self-criticism and criticism drive, enthusiastically contributed toward arousing the atmosphere of democratic political activity of the city and in the party organization, and through that have raised the political awareness and confidence of the masses in the leadership of the party.

The municipal press has assisted in stimulating a number of leading cadres in concerned units to better supervise the self-criticism and criticism drive precisely in accordance with the guidance of the Municipal Party Committee. The press has discovered, reflected and stimulated immediate solution of a number of economic and social problems, especially those concerning the lives and democratic rights of the masses which, although long proposed by public opinion, have been slow in resolution.

The actions of the press in keeping track of the guidance of the Standing Committee of the Municipal Party Committee, and regularly and promptly reflecting the opinions, criticism acceptance and things done to correct shortcomings and to alleviate the difficulties of the masses, although not major tasks, have further increased the confidence of the masses in the impending more important changes.

The city's atmosphere of democratic activity expressed through such reports as above has also had a resounding influence outside the scope of the city.

A number of newspaper and radio station agencies themselves with many highly concentrated efforts for this drive have had clear maturity in the ideological, realization and vocational aspects among their ranks.

Nevertheless, due to fairly complex problems and weaknesses and inexperience in these methods of renewal, the municipal press has also been unable to avoid a number of shortcomings and mistakes which the Standing Committee of the Municipal Party Committee has corrected.

When first beginning the self-criticism and criticism drive, a number of newspapers expressed a one-sided deviation from a previous overemphasis on upholding achievements and strong points and even slanting toward "whitewashing" to a present overemphasis on exposing shortcomings and resisting negativism with little said about good people-good work and the positive aspects. The Standing Committee of the Municipal Party Committee has directed that criticism must not only expose the bad and the unfinished. The good and fine things must also be raised to the proper level; with wholehearted banking up of the new sprouts and positive factors. In speaking the precise truth, it is necessary to reflect what has been and what has not been done, to speak of the strong and the weak points at the proper level, to not speak in a unilateral manner, etc.

The internal campaign of criticism, self-criticism and resistance against negativism must accompany resistance against negativism out in society because these two aspects are closely interrelated.

It is especially necessary for every individual to give concern to the immediate correction of shortcomings. Wholehearted encouragement to uphold prompt and effective correction is needed.

Some criticism news items in the papers have cited proof of details and data lacking accuracy and in some cases, the level and dosage of the problem put forth have not been suitable, causing the public to doubt the truthful, objective, impartial and constructive nature of the criticism. Because the methods of expression are occasionally "decisions reached through a thorough understanding of the subject" or use statements in a "big knife, large hammer" style, the persuasive and effective nature of the criticism is not yet high. The Standing Committee of the Municipal Party Committee has reminded that the weapon of criticism, especially criticism in the newspaper, is extremely sharp, has an extremely wide sphere of influence and has a great effect. The press has an extremely heavy role and responsibility, must be bold but cautious and firm, and must cause the criticism to achieve the objectives and requirements

set forth by the party. For those committing errors, no matter how serious, the criticism must be of a constructive nature. A spirit of comradeship and mutual love between compatriots is necessary. Bad, deviant and degenerate elements and the enemy must be strongly attacked without mercy and prosecuted strictly in accordance with the law.

A number of news articles directly or indirectly concerning criticism and self-criticism have revealed economic secrets or have contained information lacking in accuracy.

The press must maintain firm relations with party committee echelons and mass organization agencies in the criticism and self-criticism motivation.

A number of mass organization and sector newspapers of the city after 2 months have still not actively participated in the criticism and self-criticism drive in the press in accordance with the direction of the Standing Committee of the Municipal Party Committee. Consequently, this criticism drive is also an occasion for challenging and exposing the weak aspects of these newspapers that management agencies must overcome in the coming period.

3. Concerning the collective and individual directions criticized by the press, a small number of locations have given concern to answering the newspapers and radio stations, have accepted the criticism, and have put forth methods to correct the shortcomings or to state which points of criticism are incorrect.

Nevertheless, there are still many party member and cadre collectives and individuals who don't want the press to publicly criticize the mistakes of their units or individuals, and have responded negatively at different degrees to criticism in the press. These individuals have not only not replied to the opinion letters but have even used this pretext or that not to accept correct critical opinions or to correct the shortcomings and resolve the problems contributed. This is a method of coping with problems that is contrary to the principles of the party and the policy of the Municipal Party Committee, and must be promptly overcome.

The Standing Committee of the Municipal Party Committee advocates continued open criticism and self-criticism in the press during the phase of preparation for the party congresses at all levels, and conversion into a regular procedure after that because it is a form of democratic activity extremely necessary for the progress of the party, the revolutionary organizations, and each cadre and party member. Through the press, create a strong social opinion praising and developing the new factors and good people-good work while simultaneously blocking and repelling negative ideologies and actions and strongly stimulating the correction of mistakes.

The Standing Committee of the Municipal Party Committee hopes that all compatriots and comrades contribute many suitable opinions to build a more powerful and pure municipal party organization and a municipal society that is increasingly more wholesome, fine and worthy to be the city bearing Uncle's name.

It is suggested that party committee echelons and steering committees of sectors and units assign their cadres to follow the criticism contribution articles in the newspapers and on the radio, to promptly answer and accept criticism, and to set forth methods of resolving and correcting the shortcomings in those criticisms that are correct, and clearly stating those critical points that are not correct. At the same time, give attention to rapid examination and reply to criticism contribution letters transmitted internally by the newspapers and radio stations, and thoroughly resolve the problems presented.

With socialist cooperation in a spirit of comradeship between mass information agencies, the agencies contributing criticism and the concerned party committee echelons, we join in assisting to bring the highest effectiveness to the self-criticism and criticism drive, and the good preparations for party congresses at all levels, to stimulate every work aspect, and to strengthen the revolutionary confidence of the masses.

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CSO: 4209/794

READER CALLS FOR ABOLISHMENT OF OUTMODED THINKING

Ho Chi Minh City SAIGON GIAI PHONG in Vietnamese 22 Jun 86 p 1

['Contributing Opinions to the Party Congress' column: "Resolutely Eliminate Obsolete Thinking"]

[Text] First of all, allow me to extend to the editor's office and to all those in the editorial department of SAIGON GIAI PHONG most sincere best wishes on the occasion of Vietnam Press Day, 21 June. I very much hope that in the near future, the newspaper will more strongly develop its role in the struggle against negativism and every obsolete and backward custom. On this occasion, I also wish to contribute three opinions to the coming party congress.

1. Up to this time, immediately after resolutions and policies are presented, the press and leadership echelons have hurriedly affirmed their correct qualities. Naturally, all policies put forth by the party and state rely on a definite basis and we must constantly have self-confidence. However, aren't the conclusions hurried when the courses presented have not yet been achieved? I think that this very attitude has unintentionally created a psychology of satisfaction among the leaders and even the masses; from that leading to habits of passivity, bureaucratism and "self-conceit" concerning the norms put forth, but the truth still lies in the reports and directives. Actual practice during the past 11 years has given us much bitter experience in a hurried attitude and confirmation of accomplishments, for example in the problems of agricultural cooperativization or the currency exchange during September of 1985, etc. Therefore, no matter what the policy and line presented, besides the initial step of disseminating its theme to the masses for achievement, the problem that the press and leadership echelons must give concern is: What specific methods do units and agencies have to successfully achieve the policy, what cadre forces are assigned supervision of these missions, and do they truly have the abilities and qualifications? Even more important is the result of the policy's effect on the material and spiritual lives of the laboring people. Is it better or worse? Only when everything is fine do we have the right to praise and affirm that the policy presented is correct. In brief, every truth can only be measured in practice.

2. We still have an old saying when evaluating difficulties and negativisms that states generally, "The difficulties are many so they cannot be overcome in one morning and one afternoon." The time has come in which such outmoded thinking must be abolished and replaced with urgent and timely actions to correct whatever can be corrected. Of course, some things demand much time but we

should not use time as an excuse to become bureaucratic, dependent and passive. Because our country is still poor and our people are still miserable, each second and moment of working to alleviate the hardships of the country and people should be worked. Don't delay!

3. At the present time, we are appealing for efforts in conservation, simplicity, and avoiding waste. In practice however, we are striving to waste a valuable property--and that is man. Manpower arrangement not precisely in accordance with capabilities and requirements has seriously reduced the quality and effectiveness of work. The establishment by basic units and local areas of a great many corporations, sections, etc. without specific jobs, functions or clearly defined restrictions has led to bad conditions such as: walking on each other's toes or occasionally shifting work on each other. Therefore, I suggest that leadership echelons reexamine all units and organizations, and resolutely abolish unnecessary sections and corporations. A requirement of every activity must be conservation and simplicity with an objective of well-being and happiness for the laboring people.

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READER CRITICIZES EXPENSIVE, WASTEFUL MARKETING POLICIES

Ho Chi Minh City SAIGON GIAI PHONG in Vietnamese 22 Jun 86 p 1

['Contributing Opinions to the Party Congress' column: "Enlarging Goods Sources, Controlling Goods Are Most Important"]

[Text] In all of the countries in the world and during every era, the merchant at the very beginning worries about many good and inexpensive products that suit the pocketbook of the masses in order to achieve many sales. During the first year, he tries not to suffer a loss. Two or three years later, he is happy over a 5 or 10 percent profit. Any kind of store is used whether it be a thatched hut or the corner of a building. The more capital is concentrated to purchase goods and enlarge goods sources, the more goods there are to sell. Gradually, when a great deal of capital has been accumulated, thoughts turn to building a large and beautiful store corresponding to the increasingly greater volume of goods.

Our commerce is conducted in a completely opposite manner. The first task is to concentrate capital on the construction of truly delightful stores and the employment of truly many personnel to give the appearance of a large business facility. When an imposing store is acquired and the capital is nearly gone, the goods for sale are few with little variety and the majority are unpriced floor models and high-level goods such as color television sets and cassette radios from Japan which the customer can only look at but does not have the money to buy. It is common to open a store to advertise and report achievements in order to line one's own pockets and not to serve the people or enrich the public funds. The following are a few specific instances:

Tan Da Market after liberation was still a beautiful trade center and convenient for the customer. After a period of being closed, it was heard for nearly a year that an announcement had been made about reopening the market for sales. The first task was to demolish the entire interior and exterior, and to rebuild a nearly new and extremely expensive market. The stores have not reopened but the center has recruited hundreds of cadres and employees of all types in order to day after day for more a half year come to the stores and stand around chatting, and because there is not work to do, they leave in search of pleasure and come back at the end of the month to draw their pay. The center advertised that it would open the day after the lunar new year but up to the present time, there has only been an opening ceremony and invitation to the customers on TV but the doors remain closed and no one knows when the stores will open. I suggest that someone try to calculate how much money has already been spent on the

repair of the Saigon supermarket. Can anyone estimate how many years it will take to recover the great amount of money expended? Anyone passing by must shake his head in sorrow.

Another case is the department store at the head of Le Quang Dinh Street across from the Ba Chieu Market, an ideal trade center.

Naturally, the stores were closed and then demolished and rebuilt in half Chinese and half western architecture and painted green and red with a huge and meaningless globe in the middle. After several months of repair, a sign stating "Export-Import Goods Exhibition Center" was raised to advertise expensive goods such as color TV sets, radio cassette players, etc., and to sell cakes of soap and a few hairpins!

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READER DEMANDS MUCH STRICTER PARTY DISCIPLINE

Ho Chi Minh City SAIGON GIAI PHONG in Vietnamese 31 Jul 86 pp 1, 4

['Contributing Opinions to the Party Congress' column: "Contributing Additional Ideas on Organization-Cadre Work"]

[Text] Uncle Ho said, "Success or failure, whether the line and policy of the party and state are achieved or not, and whether the revolutionary movement of the masses rises or falls, all depend on the cadres and party members." Unfortunately during the past few years, our organization and cadre work has not been good and therefore has "contributed" toward further exacerbating the difficulties of a nation that has suffered difficulties after 30 years of war and is now entering a transitional period to socialism from small-scale production. The shortcomings of organization and cadre work, in my opinion, are specifically expressed in the following aspects:

1. Leadership Apparatus at all Levels Slow to Renew

After the liberation of the south, the country was reunited and the revolution of the entire nation shifted to a new higher state but the standards and capabilities of many leadership cadres did not rise correspondingly. To state it accurately, renewal of the leadership cadre ranks at all levels was partially accomplished but not to a sufficient degree compared with the requirements of the new mission. Occurrences of "live a long time and become a village elder" are still prevalent in many locations. Not a few of our comrades--usually those with a process of previous contributions--are afflicted with the ailment called by Lenin "communist arrogance." According to Lenin, during the period of transition, of the three primary enemies of communist arrogance, ignorance and bribery, communist arrogance is the number one foe! The "communist arrogance" that afflicts a number of party and state leaders at all levels is expressed in their attitude of complacency, self-satisfaction, voluntarism and replacement of the law with the subjective desires of man. They belittle the masses and young as individuals with little or no previous contributions and are unwilling to study to improve their knowledge and renew their thinking. Inevitably, they lead poorly and create no small harm to the party and the state.

I believe that every true Vietnamese is grateful to the party and all have a legitimate pride in the nation. However, everyone also recognizes--and party and state leaders at all levels must increasingly recognize--that the economy of our country is presently extremely low (we trail the advanced nations by

centuries); our country is one of the few with the lowest average per capita income in the world; the lives of the people are still filled with countless difficulties; many cadres, soldiers and members of the laboring masses do not have enough food to eat or clothes to wear; the sick lack medicine; the children lack schools and textbooks, etc. Lenin said (generally) that socialism is truly superior when it creates a labor productivity that is higher than that of capitalism. To us, who have passed through the period of "victorious intoxication," now is the time that everyone must alertly think and study ways to achieve the best effectiveness in order to gradually and steadily raise the living standards of the people, and increasingly build the nation. This is the objective of socialism in the final analysis. It is an extremely difficult mission, demanding new ranks of leadership cadres (in both the realization and the action aspects) with sufficient strength to carry the load. Anyone who cannot do the job (due to substandard abilities or poor health--including the central level) must voluntarily yield his position to another more qualified person in keeping with the rule, "when the bamboo is old, its shoots grow [The young succeed the old]," only in this manner being a true patriot who loves the people and places the interests of the masses above those of the individual. The people are extremely just and wise, and will respect and be grateful to such individuals. Those without ethics or skills who still seek ways of "sticking to their chair" in hopes of enjoying special privileges and interests, the party must replace because this kind of cadre continuing to lead for one more day is a day of injury to the revolutionary undertaking of the party.

2. Elementary and Advanced Training and Promotion of Cadres--Especially Young Cadres is Not Yet Rational. Feudal Paternalism Still Prevalent in Party

Everyone knows that the feudal system is backward compared with that of capitalism but that a feudalist ideology is still fairly widespread in the party and state organization at all levels, expressed in the ailments of bureaucratism, paternalism, dictatorial dogmatism, etc. (Footnote 1) (Le Duc Tho: "The Urgent Missions of Party Construction," TAP CHI CONG SAN, No 5, 1986) The elementary and advanced training and promotion (including pay raises) of cadres at many times and in many places are not based on the stipulated standards but on the love or hate of upper echelons. Not by chance, new "expressions" have recently appeared such as, "Contentment is better than rank," "Intelligence and wisdom are not equal to the 'understanding' of upper echelons," etc. The examination of party development is the same: a number of individuals are "constantly in the middle ranks," are even inferior, and are not trusted by the masses, but "obediently" know how to flatter and cleverly win the hearts of leadership and therefore enter the party and easily advance for a lifetime of good fortune; conversely, ethical individuals who have true talent but are straightforward and honest (and as is usually the case, capable individuals usually have self-respect and few wish to advance by the flattery route), dare to think, act and take responsibility, boldly struggle against negativism, etc. are often depicted as "lacking modesty," "haughty," "individualists," etc.; and from that, their efforts to enter the party for the conditions to fully develop their capabilities to serve the nation encounter a great many difficulties, thorns and insurmountable fences. It is natural that in the party there are many opportunistic, "average" and "merely nominal" elements for as Lenin said, "The merely nominal party members, even if free of charge, we do not need."

Personal history problems" and the concept of "the tangerine does it but the orange bears the consequences" must be swiftly eliminated.

We are beginning the 12th year since the south was totally liberated. A generation knowing nothing about 1975 is growing up and maturing. I think we should not allow "personal history problems" and concepts of "waiting for the father to eat, waiting for the child to drink," and "the tangerine does it but the orange bears the consequences" to exist forever in the party and state agencies, obscuring not a few abilities and creating an inferiority complex in the children of those families with previous ties to the old regime--something difficult to avoid for that portion of the people living in the temporarily occupied region during the 21 years that the country was divided. The ancient folk song that states, "children of emperors become emperors, children of pagoda monks sweep banyan leaves" has become outmoded but ridicule of such change and similar expressions still occurs in actual practice. I think we must change our way of observing, and evaluate people in a more accurate and dialectical manner. Anyone who truly has talent, ethics (proletariat ethics) and benefit to society, we must place in an important position, including admission to the party and youth union, promotion to leadership and management cadre, etc. After a period of training and challenge, priority should no longer be given to the children of cadres--especially middle and high-level cadres--for admission to the party, education in foreign schools, promotion, etc. (even though a number of these individuals are substandard in both qualities and abilities), while the children of families with "problem personal histories" are treated the opposite, although they are extremely qualified. The famous statement by Lenin, "Be prepared to replace a dozen bad communist party members with one excellent bourgeoisie specialist" is apparently given little concern or contemplation by our leadership echelons.

Under the capitalist system, the bourgeoisie masters are ready to promote and raise the salary of any employee with a skill speciality returning them much profit, and are simultaneously ready to dismiss those performing poorly, whether they are close relatives or not (Marx said generally, "The relationship of the bourgeoisie class is one of coolness, 'immediate payment,' and without feeling." Why can't we do better than the bourgeoisie class and instead have returned to the feudal period when, "One man served as an official and all his relatives could rely on him." For example, many bring their wife, brothers and sisters, children, nephews and nieces, and other relatives into the agencies and enterprises they are in charge of, even though these people are completely without a professional trade. Reliance on relatives--and the losses--are a load borne by the state and the people. In a nation with a poor and backward economy that wants to develop and advance by the industrialization route, with the scientific and technical revolution as the key, but fails to respect capability, disregards grey matter, and works without calculating the returns, the successful construction of socialism can never be anything but a wish!

Such recruitment, elementary and advanced training, and promotion of cadres has greatly harmed many aspects of society, and adversely affected the ideological and political education of the young generation--the generation that will inherit our revolutionary undertaking. The young are usually receptive and easily recognize the "reverse side" of society; if the party does not make prompt

corrections, they will choose a way for themselves to parry the brambles, "go with the wind," "see wrong and don't resist, see right and don't support," "use their mouth to help their hand," privately profit, benefit themselves, and strive to "rise" not by their abilities and qualities but by the route of the opportunist. Invariably, they create an adverse effect on the succeeding generation.

Naturally, vigilance and precautions against the destructive elements slipping into the interior is a matter requiring attention but it should not be vigilance in form only and based only on personal history. Why couldn't the enemy make contact with individuals who have a good personal history but degenerate and have the opportunity to enter and damage our interior?

3. Disciplinary Process of Party Not Truly Strict, Does Not Educate Offenders or Set an Example for Others

An extremely sad thing is that during the past few years, occurrences generally called "negativisms" within party and state agencies have not only not declined but have had a tendency to increase in one location or another, and like Le Duc Tho stated, "It is extremely serious." (Footnote 2) (Ibid.) Theft by workers, acceptance of bribes (concealed or open), personal arrangements, bureaucratism, authoritarianism, oppression of the masses, degeneracy, hedonism, etc. have become widespread in nearly every level and sector in many different degrees. The precious teachings of Uncle Ho, "Party members and cadres must be loyal slaves and servants of the people" and "Worry first about the world, enjoy after the world" have been made meaningless and have become empty slogans stated facetiously but with little proof in reality. The masses have lost confidence, with some even losing confidence in and complaining about the party and not without basis. In order to regain the confidence of the masses and to advance the revolutionary undertaking, there is no other way than for the party to quickly and resolutely eliminate the "worms" and abscesses from its ranks, and if necessary, to prosecute them before the law. Our accomplishment of this is still slow and truthfully has not reached the level of present negativism. Recently, several negative incidents and matters were exposed; only when many people knew about them did we bring them out for prosecution, and the usual conclusion was that they were "less than serious, more than mild." Some individuals with a degree of error that should have received serious disciplinary action from the party, were on the contrary only warned or reprimanded and then "kicked upstairs" or "sideways"--to become leaders of other units at the same level (and occasionally a decision to raise their pay accompanied the decision to transfer them!). For the negative incidents and matters that were more ingenious, more hidden and "had no clear legal basis for reaching a conclusion!", upper echelons were often unconcerned and even at times "opened an umbrella" to protect lower levels making mistakes, calling it protection of the prestige of the party, fear of losing emulation points, and fear of adversely affecting the achievements of the local area and unit (although occasionally due to mutual conniving). Clearly these are abnormal occurrences to a Marxist-Leninist party like ours.

Someone said, "A hundred people planting trees is not enough for one man cutting them down." In our municipal party organization, as stated by Phan Minh

Tanh, Deputy Secretary of the Municipal Party Committee, of the more than 62,000 party members in the party organization, investigations in many basic units have shown that nearly one-third are party members "of poor quality and no longer qualified to bear the title of communist party member" (Footnote 3) (Phan Minh Tanh: "Strictly Examine Quality of Party Member Ranks," SAIGON GIAI PHONG, 20-21 May 1986), but they are still in the party to continue their extortion and destruction. It is unnecessary to say because everyone knows that the destructive capacity of these degenerate cadres has reached a frightening level! Every real party member joins all the laboring people (except for the enemies of socialism) in demanding that party discipline be strictly and thoroughly implemented without regard to the identity or rank of the violator; every party member must be equal before the discipline of the party. Upper echelons especially must set an example for lower echelons because everyone knows that "when the upper beam is not straight, the lower beams are slanted" and "when the upper level is not strict, the lower level will create disorder." Those individuals of "power and position" who protect criminals must also be appropriately prosecuted. I believe that if we boldly do as the Soviet Union or Cuba (considering those engaged in corruption, bribery, attacking and oppressing the masses, etc. as enemies of socialism), surely the negative occurrences will decline. Boldly purge those who are unqualified from the party, and simultaneously admit to the party those individuals with sufficient standards (in my opinion, there are many), and the strength of our party will be multiplied many times over.

In my status as a probationary member of the party, I wish to boldly contribute to the party the number of opinions above with the hope to see our party as truly pure, powerful and worthy to be a nucleus of solidarity leading the revolution across the great difficulties at the present time, and to successfully build socialism in the not too distant future.

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CSO: 4209/832

REGULATION ON BASIC ECONOMIC UNITS, PRICES

Hanoi NHAN DAN in Vietnamese 8 Jul 86 pp 2, 4

[Text of the "Provisional Resolution of the Council of Ministers on Basic Economic Unit Autonomy in Respect to Pricing," published as an enclosure to Resolution No 76-HDBT of the Council of Ministers, dated 26 June 1968]

[Text] I. Right of State-Operated Industrial, Agricultural, Forestry Production Installations (Hereafter Referred to as Enterprises) to Independent Economic Accounting

Article 1. Regarding merchandize on the list of those for which prices are set by the state: Enterprises are responsible for fully and accurately reporting costs and proposing enterprise selling prices for products produced by the enterprises for decision by the agencies in charge.

Based on price limits or approved prices set by the central echelon and on guidance of the State Pricing Commission on policies, principles, and plans for setting prices, enterprises hold exchanges with the principal consumer organizations assigned to formulate plans for selling prices for proposal to agencies in charge at higher echelons for decision.

Regarding merchandize for which the responsibility for setting prices is assigned to provinces and municipalities, enterprises fully report production costs and propose enterprise selling prices to the provincial and municipal people's committees for decision.

Article 2. Regarding merchandize not on the list of those for which the state sets prices: enterprises can set consumer prices within the ranges set by the provincial or municipal people's committee (or the agency with jurisdiction). For merchandize for which the provincial people's committee has set no prices or price ranges, enterprises can set prices based on careful and accurate calculation of production costs and on agreements with customers, with a full sense of responsibility for positive participation in the effort to stabilize market prices in society and not chasing after the free market.

Article 3. Regarding products for which a higher-level agency has the authority for setting prices, but which are produced from materials acquired

by the enterprise and sold to assigned consumer organizations at the directed price, if the enterprise cannot compensate for production costs and make the established profit, the state will make up the difference in price for the enterprise. If reimbursement is slow, the enterprise may borrow funds from the bank with which to continue production. Bank interest will be computed into costs. Goods which the enterprise has permission to consume itself can be sold at state trade prices or at an agreed-upon price within the price range set by the echelon with authority to decide.

Article 4. The enterprise has the power to decide:

- the price of experimentally produced products, prototypes, and products which the state has authorized to be sold by way of introducing the product at trade fairs or at stores for introducing new products.

- the price of products transferred within the enterprise or federation of enterprises in order to continue the production process without having the price of the final product set by the agency with authority.

- the price of repair services in accordance with policy, principles, and methods of setting prices from the State Price Commission. With charges for important services (such as technical services and repair of machinery, equipment, and means of transport), state price norms, approved prices, or price ranges must be observed.

- the selling price (within the price limits set by the state) of goods individually produced on order of the customer and not covered by the planning mission of the main production line. The state sets prices for high-value individually-produced items produced in keeping with planning norms of the state, such as ships, small water conservancy projects, and sugar and candy processing conveyors.

- purchasing and selling prices for inventions and industry-owned technical secrets in accordance with regulations of the state.

Article 5. Enterprises can agree with customers to add to the selling price of products additional expenses for customer demands which were not in the contract, or exclude expenses from the selling price due to failure to respond, for objective reasons, to customer demands set forth in the contract.

Article 6. Within the effective period of the contract, if the state changes the selling price of materials, wages, etc., the enterprise proposes to the responsible agency that the enterprise's selling price for the product be appropriately adjusted.

II. Rights of Small Industry, Handicrafts Industry Collective Economic Installations (Hereafter Referred to as "Cooperatives")

Article 7. Cooperatives have the responsibility for fully and accurately reporting production costs and proposing the purchasing price or processing price of products produced by the cooperative in order for the responsible .pa

agency of the state to establish the appropriate purchasing or processing price.

Based on the approved price or the range of purchasing and processing prices of the state (set by the responsible agency), cooperatives hold discussions with those placing orders in order to propose that the responsible agency set the specific purchasing or processing price of the product by specifications, quality, location, and time of delivery as directed in the state regulation on price management. Cooperatives are responsible for sending contracts to the agency that sets prices or price ranges for its report.

Article 8. With products for which the cooperative arranges distribution, price ranges of the state must be observed, and all taxation and market management policies must be strictly implemented; if state-operated organizations must purchase, they must do so at the price that has been agreed upon.

Article 9. The cooperative negotiates with the customer:

--Additions to the product selling price for expenses incurred for supplements at the request of the customer which have not been noted in the contract or deductions from the processing and purchasing price for expenses incurred by not responding, for objective reasons, to the requests of the customer stated in the contract.

--The price for the purchase and sale of inventions and industry-owned technical secrets in accordance with regulations of the state.

Article 10. During the term of the contract if the state changes the selling price of materials, wages, or the like, the cooperative, based on guidance from the State Price Agency, negotiates with the ordering agency and then proposes that the authoritative agency change the processing and purchasing price appropriately.

III. Rights of State-operated Circulation Installations (hereafter referred to as "corporations") as Independent Accounting Units

Article 11. Corporations have the responsibility for fully and accurately reporting purchase prices and circulation expenses, and for proposing prices and price ranges to agencies responsible for setting prices for the purchase and sale of materials (in reference to materials supply corporations), retail prices (for trade corporations), and reductions (or inflation) in circulation of materials and trade.

Based on price ranges and approved prices set by responsible agencies and guidance from the State Price Commission on policies, principles, and methods of determining prices, the corporation proposes to the authoritative level specific prices according to type, quality, and delivery point of merchandise, as determined in state regulations on price management. This agency must submit its list of fixed prices, along with the price plan submitted to the agency by the corporation, as a report to the agency that sets approved prices or price ranges.

Article 12. The general corporation and central corporation, based on reductions (or surpluses) in circulation of materials and trade according to merchandise branch or grouping of merchandise of the state, specify reductions (or surpluses) in circulation for specific goods or according to the directly subordinate business level.

Article 13. Regarding merchandise for which the local level has been assigned responsibility for setting prices, aside from merchandise for which specific prices have been set by the province, the corporation, based on price ranges and approved prices set by the provincial people's committees and the guidance of the local-level price agency, determines the selling price (or negotiates the buying price). The corporation is responsible for submitting a price plan and list of specific prices set to the provincial people's committee for reporting.

In instances when no price range guidance has been provided, or with goods for which the province has not provided price guidance, the corporation establishes prices based on the buying price negotiated with the production agency, the approved surplus, and the price policy of the state, with a full sense of responsibility for positively contributing to the effort to boost production, provide service in daily life, contribute to stabilizing market prices of society, and not chase after the free market.

Article 14. Essential goods and materials brought in by the corporation itself (through import by means of on-hand foreign currency or through joint economic ventures) for sale in accordance with plans or economic contracts must be priced in accordance with the price guidance of the state. When the corporation does not make a profit or loses capital, the state will reimburse the difference in price.

Article 15. Corporations have the right:

--to establish the selling prices of fresh foods in the locality (fresh-water fish, poultry, chicken and duck eggs, etc.) in accordance with general regulations on classified management and principles and procedures of the state for setting prices. With goods for which the state has provided price ranges or approved price guidance, the corporation has the right to specify the selling price based on the approved price or price range of the state.

--to propose selling prices of sub-standard goods, merchandise that has not moved for a long time, and merchandise that is unattractive to consumers (accepted by the authoritative agency) to the agency that sets prices for those products. Fresh food products are to be reported directly to the upper echelon for prompt resolution.

Article 16. With important services of daily life such as public dining, tailoring, barbering, and repair of homes, appliances and utensils, and means of transportation, for which the provincial people's committee (or agency with authority) has established specific prices, the corporation must comply. If the provincial people's committee has provided an approved price or price range, the cooperative has the right to establish the specific price within the price range or approved price determined by the province.

The corporation negotiates buying and selling prices of merchandise with customers each quarter in accordance with principles established by the state regarding expenditures, interest, and taxes.

IV. Responsibilities of Basic-level Economic Units

Article 17. Enterprises are responsible for trying to lower costs and circulation expenses in order to contribute to stabilization of market prices, increase accumulations, and satisfy the three interests.

They are also responsible for strictly carrying out state policies, principles, and methods of formulating prices and the state system of managing, registering, and announcing prices and guidance prices (which include approved prices and price ranges) determined by agencies in authority.

They formulate price plans for products produced and marketed by the unit in accordance with the regulations of the state, and they submit it to the responsible agency for prices to be determined.

Article 18. Enterprises sign economic and consumer contracts for goods and services with prices announced by the state (or negotiated prices) in accordance with state regulations.

When no price has been formally set by the echelon in authority, the enterprise (or corporation) can temporarily utilize prices calculated for a maximum of 30 days; when a formal price is available, payments must be made at the formal price.

Necessary documentation (estimates of waste in materials and labor, unit prices for materials and labor, depreciation of fixed assets, and the like), must be supplied fully, accurately, and on time for inspection by the agency with authority for setting prices and controlling prices.

V. Establishment, Approval, Announcement of Prices

Article 19. Plans for prices of products for which prices are set by the state must be formulated by the production and business unit based on average and progressive norms for waste of labor and materials approved by the agency with authority and in accordance with guidance on the policies, principles, and methods of calculating costs and prices of the State Planning Commission and the State Price Commission. The enterprise (or the corporation) has the right to protection before the price approval agency (with the point of view of a managing agency). The price approval agency determines prices after discussions with the production and business agency and must approve prices in a timely manner, with a maximum of 20 days (for products and materials of a seasonal nature, 10 days) from receipt of the price plan in the correct form and at the specified place; after that deadline, the production and business unit has the right to buy and sell at the price proposed in the plan.

Article 2. The price council at each level is the advisory organ for each echelon with authority to set prices; price councils can be set up at

ministries and general directorates. The agency setting prices must bring up price plans for important products related to various sectors and localities with the price council and obtain opinions of specialists with experience in production and prices before determining prices. When necessary, the responsible council must review the price plan at the production installation or the circulation installations of that product.

Article 21. Basic-level units must strictly adhere to the prices that have been established by the agency with authority and widely publicized and must adhere to merchandising methods, quality, and formulas.

Ministries and people's committees of provinces, municipalities, and special zones directly subordinate to the central echelon submit their lists of established prices to the State Price Commission; basic level units send their lists of established prices for the price management agency to distribute.

Article 22. The Director of the State Price Commission will guide, inspect, and supervise compliance with this regulation.

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CSO: 4209/739

MAJOR ASPECTS OF DISTRICT-LEVEL EXPORT EFFORTS REVIEWED

Hanoi NGOAI THUONG in Vietnamese Apr 86 pp 24-28

[Article by Le Xuan Tuu: "Looking Back at Recent District-Level Export Efforts"]

[Text] In the last few years our party and state have issued many directives and resolutions about building and strengthening the district level. The Fourth Party Congress set forth this policy: "Build the district-level administration into a plan management level having total authority and budget, a level for management of production, circulation, and life in districts." This policy was reconfirmed by the Fifth Party Congress which emphasized that "districts must be an important field of operations" for economic construction and development. To carry on this revolutionary undertaking, along with other sectors, the foreign trade sector has recently carried out gradual decentralization and has been considering districts as the location for organizing production of export goods. Almost all districts in the country have by now established foreign trade corporations (which are called in some localities export corporations and in others corporations dealing in export goods, or export goods-supplying corporations), and foreign trade stations still exist in some localities but they now are independent in terms of economic accounting under the direct leadership of district CPV committees and people's committees and under the leadership of provincial foreign trade corporation unions mainly for professional matters. Only a few highland districts, due to their very complicated geographical locations and the fact that they still produce few lines of goods, have so far failed to achieve decentralization. After a period of operations lasting 6-7 years in some localities and 3-4 years in others, and just beginning in a few others, we have learned the following facts from this district-level export work:

1. Districts are the right place for organizing production of export goods.

The realities of the past years have shown more and more clearly that under our country's present economic and foreign trade conditions, when the greater part of export goods still consists of agricultural and handicraft products and the labor involved in their production mostly comes from agriculture, districts are the right place for organizing production of export goods. After the necessary conditions involving policies and procedures were set forth and after responsibilities, obligation, and interests were clearly defined, the export work of districts has gradually expanded. For instance, Thai Binh, an agricultural province which had mainly relied on handicraft and

fine art goods to get its export money, in the last few years obtained more and more export money from fast increasing export of vegetables and fruits because its districts all have plans for expanding production of agricultural products and because rezoning of riverside alluvial land was achieved. Its income from export in 1985 was 8 times that of 1981, with these districts showing large increases: Tien Hai 11 times, the City of Thai Binh 11 times, Dong Hung 10 times, Kien Xuong 9 times, and so on. The production of jute of Hung Ha District increased from 150 metric tons in 1982 to 300 tons in 1984 and 1,000 tons in 1985. In a number of other localities the same rate of development was achieved. The production of peanut of Viet Yen District in Ha Bac Province increased from 600 tons early in 1982 to 1,200 tons in 1984 and 1,500 tons in 1985. The export income of Nga Son District in Thanh Hoa Province in 1985 was more than double that of 1983 (decentralization was achieved in November 1983). Krong Pa District in Gia Lai-Kon Tum Province, a highland district which used to be self-sufficient in terms of production and consumption, is now quickly expanding the production of goods for export. The quantities of sesame it purchased for export increased from 250 tons in 1982 to 570 tons in 1983, 800 tons in 1984, and 1,000 tons in 1985. Tobacco from 293 hectares in 1983 to 650 hectares in 1985. Coconut and cashew from almost none to more than 18,000 coconut trees and more than 400 hectares of cashew now. Its average per capita income from export in 1985 was twice that of 1983. In Dong Phu District of Song Be Province, the corporation that supplies export goods, which was established in 1984 with only 13 cadres whose living conditions and transportation means were very poor, even in the first year of its existence, due to strict and timely guidance provided by the district's leadership, succeeded in purchasing 600 tons of peanut, 5 tons of sesame, 20 tons of cashew nuts, and 30 tons of incense, and in 1985 1,000 tons of peanut, 500 tons of incense, 20 tons of sesame, 300 tons of saffron, 20 tons of thien nien kien (*Homalomena aromatica*), and so on.

In Quang Nam-Da Nang there is Giang District, which used to be a poor and backward highland locality and had been heavily destroyed during the war. But after its decentralization, with export being adopted as the strategic means to achieve economic construction, in the last 3 years its export business sector earned each year more than 200,000 dong in foreign currency. With a capital of 160,000 dong in Vietnamese currency borrowed from the province's Union of Export Corporations, in 3 years the district has earned 7 million dong of profits. The corporation that does export business in the Municipality of Da Nang, which was established in early 1983, increased its export income in the first year by 2.5 times over the 1982 figure and by 1984 reached the level of more than 4 million rubles/dollars (more than the business figure of a still-poor province) because it was taking advantage of the strengths of the municipality's production sector, creating many zones in its rural areas specialized in producing raw materials for making handicraft and fine art goods, and expanding joint business and economic integration with other districts.

Along with organizing production and exploiting sources of export goods, in recent years some localities had to deal with the problem of competition among districts, between the province and districts, and even among various organizations in the same district in buying and selling export goods. In addition to that some localities wanted to deal directly with foreign markets.

But realities have shown more and more clearly that districts are the right place for organizing production of export goods.

2. Export becomes more and more the means and strong moving force that encourage the socioeconomic construction and development in districts.

The resolutions adopted at the Fourth and Fifth Party Congresses all advocate building districts into agriculture-industry, agriculture-forestry-industry, agriculture-fishery-industry, or agriculture-forestry-fishery-industry units, depending on the characteristics and conditions of individual localities at a certain time. Many districts throughout the country have been gradually adopting this pattern. In this process, export plays an important role.

As for agriculture, with the function of changing the use value, export-import turns some of the agricultural, forest, and sea products made in districts, after the share of foreign exchange to be contributed to the central administration is deducted, into the means of production that supplement or increase agricultural productivity. The realities of past years have clearly shown that in any districts where export was decentralized and was working in a stable manner, agricultural production would tend to develop at a fast pace. The reason was that these districts, through export-import, were given additional quantities of fertilizer and insecticide to allow them to practice intensive cultivation and to increase the areas of crop-growing. In addition to the materials and goods used in production, they were also allowed to exchange for such items as cotton materials, sugar, monosodium glutamate, watches, bicycle chains and sprocket wheels, etc. so as to maintain balance in production and daily life. To expand production of export goods also attracts surplus labor in agriculture or labor in between-crop periods and turns it into productive labor for the making of export goods.

As for industry, the foreign trade sector on the one hand imports equipment, technology, and materials to build industrial installations for the production of the means of production needed by districts for their economic sectors, particularly the industries that process agricultural products and foods, and on the other hand supports industry and allows it to act on agriculture by providing it with equipment and materials, which industry in the country in general, and districts in particular, are not in a position to obtain. Many districts have so far been able to build processing installations to make such products as peanut oil, soybean oil, and essential oils of cinnamon, an (Cymbopogon), huong nhu (Elaeagnus), and so on. As a result, districts have succeeded in raising the value of exchanged goods and ensuring consumption to benefit themselves. On that basis, the foreign trade sector has been playing the role of linking foreign markets with domestic production and encouraging interaction between agriculture and industry.

At the same time, the expansion of export in districts has helped to remedy the lack of balance under the real conditions today. This is the lack of balance between accumulation and consumption, between money and goods, between the need to expand production and the ability to supply materials, goods, and so on. The results of foreign trade activities thus play a special role in balancing district budgets. For instance, Vu Thu District in Thai Binh Province raised its foreign trade contributions to the budget from 120,000

dong in 1979 to 5 million dong in 1983. Tan Lac District in Ha Son Binh Province, which used to borrow from the bank to expand production and to buy goods from the people on credit, has paid off all debts within less than a year's time and has so far contributed more than 4 million dong to the budget. Dong Phu District in Song Be Province in 1985 put into the budget contributions totaling about 28 million dong. In reality, in many districts the contributions of foreign trade to their budget have accounted for from one-third to one-half of its size, even more than one-half in some cases. Generally speaking, through export activities the economic and social aspects of a number of districts have gradually shown obvious changes. Many economic and cultural projects have been built mainly with contributions from foreign trade. In department stores and in families, now there are new consumer goods that have resulted from export work. At the same time, many storehouses, offices, and so on have been and are being built. Many districts have quickly built their material base and provided additional necessary means like vehicles, boats, etc.

Although some initial results as mentioned above have been obtained, the export work in districts has been expanding still too slowly and is far from commensurate with the potential and strengths of our districts. In the face of new needs, faster progress must be made in this work. To do so, many districts have been paying attention to a number of matters. These are some major ones:

a. A rational allocation of export goods must be adopted in districts.

Of the various aspects of the task of building and strengthening the district level, a key matter of decisive significance is the economic structure of districts. This matter itself is far from simple, for the need that ranges from deciding what crops to grow and what animals to raise to determining the direction to take for production and a rational production pattern to adopt is an entirely complicated matter. Decentralization has provided districts with an active role in achieving zoning and planning for export goods production. However, this is only a beginning and a great deal of confusion remains. In recent years many districts actually increased their export income at a rather fast pace, but this income mainly resulted from the goods that had been purchased and collected. The reason for this was that, on the one hand, an allocation of export goods had not been clearly determined and, on the other, zoning and planning did not bring about any results yet because they had just begun. To determine a rational allocation--what crops to grow, what animals to raise, what occupations to develop--must not only look at the things that lie ahead but also have a long-term strategic character. But many districts actually tend to "live from day to day" as they concentrate on getting products that are easy to make, giving up the ones that are difficult to produce, or purchasing and collecting only natural products, without really paying proper attention to taking a long-term and steady direction, nor appropriately concentrating the conditions related to the material and technical base upon zoning, production planning, and expansion of occupations. The experience that we have acquired in the past years shows that districts can rely on the natural conditions that prevail to select in the most effective manner crops, animals, and occupations. Our districts in general can grow rice, but animal raising, in the case of the larger animals, is

developed better in midland and highland districts than in the delta. Not every district can successfully grow rush, but coastal districts normally get high yield from this crop. Being a part of the overall production of their province and of the nation as a whole, districts must not only follow local and temporary calculations but also consider the general and long-term needs when they decide about an allocation of export goods for their locality.

b. The management mechanism for export-import must be renewed.

One of the problems that have long hampered the expansion of export work in our districts is the fact that they have been slow in renewing the management mechanism.

First of all, in connection with planning, we must know that planning in districts has positive effects on forming and perfecting the production pattern there. But lately many districts still were confused as they drafted their plans because they had not fully given up the management mechanism based on bureaucratic centralism and state subsidies. District plans usually fail to ensure uniformity in all activities--from production, transportation, and processing to consumption--because at the time they were drafted, districts did not take into consideration the production base and the aspects in which there had been a lack of balance in their locality. On the other hand, in many cases, districts are not the real masters of their plans and still heavily depend on the superior echelons. This means they still receive orders from the latter. They make whatever provinces assign them to make, in whatever quantities and whatever lines of goods, and accept whatever imported goods that are distributed to them. As for the goods that are bound by norms and regulations, assignments by provinces often are not stable and are not based on districts' realistic conditions. For instance, Hoai Duc District (Hanoi) has 300 hectares of peanut, but the norm set for its contributions to export is 500 tons; Tien Son District in Ha Bac Province has a capacity of 20 tons of duck feathers it can purchase, but the norm assigned to it is 80 tons. Due to a lack of positive and accurate calculations and to the fact that the norms are far from realistic, district plans usually remain flexible and create many difficulties for leadership and guidance in districts. Another thing we need to add is that under the present economic conditions of our country in general, and of districts in particular, while our production capacity remains low and the economy still consists of many components, in addition to doing planning in connection with the major lines of goods we must take into consideration other scattered goods on the basis of setting up a program aimed at manufacturing and obtaining export goods from various sources. For if we include everything in our plans, these plans will not have a good chance of being carried out.

In the field of economic accounting, districts have not yet firmly switched from drafting plans based on state subsidies and controlled bookkeeping to independent accounting with positive calculations of export-import results.

Therefore, provinces and districts together should quickly change the way they assign work (involving both norms based on regulations and used as guidelines), with the direction to take for drafting plans being set at the basic level and conforming with the actual conditions of districts.

An important matter in the efforts to renew the management mechanism and to step up export work in districts is to adopt policies used as levers and appropriate systems of interests. Depending on the characteristics of their own situation provinces should adopt different policies about distributing economic interests among provinces, districts, and production installations. Realities have shown that in any provinces where business is done in a square and honest manner and the interests of districts and production installations are not overlooked, districts cooperate with provinces better in the field of export. On the other hand, any provinces that are not really concerned about the interests of districts and production installations and force their districts to accept import goods will find that districts tend to try to avoid their authority. In the first years following the completion of decentralization some districts still secretly exchanged goods with other provinces, but later on many of them returned to dealing with their own provinces. This cooperation mainly resulted from the attraction of economic interests and the pledge of districts toward their provinces rather than from orders or any barriers set up by the latter. The experience of Quang Nam-Da Nang has shown that in order to encourage districts to purchase as much as possible from sources of agricultural, forest, and sea products, within the percentage of foreign exchange to be given to localities as authorized by the central administration, the province gave one-half to its districts, in the case it did not fulfill the plan for delivering goods to the central administration (which means there will be no bonuses); and in the case districts fulfilled the plan for delivery of goods to the province, the province still paid bonuses in Vietnamese currency to districts, which were equal to 2 percent of the total value of the goods delivered as required by the plan or beyond the goal set in it. As to the villages and subwards that helped to organize and supervise the making of export goods, they were given bonuses (in Vietnamese currency) equal to 2 percent of the real profit brought about by these goods. These villages and subwards would take 20 percent of these bonuses to give as rewards to the individuals who have done a good job and put 80 percent into their budget. As for the localities that have raw materials and forest products to supply to the installations that make rattan and bamboo goods for export, they would get one-third of the annual bonuses for having taken care of and protected these sources of raw materials.

To devise correct policies used as levers and appropriate systems of economic interests is the best measure to take in the management of export goods and to avoid the kind of competition in buying and selling that have happened for some time in many localities. In addition, the policies and procedures regarding export-import management, particularly the procedures about export-import licences and foreign exchange, must be seriously implemented and strictly checked.

As to import goods, many shortcomings still remain in their distribution and use. These shortcomings are not solely at the district level. When they distribute import goods, many provinces do not consider the real needs of districts and instead force the latter to accept even the kinds of goods that they do not see fit to have. For instance, some highland localities where there is no electric power yet are to accept such items as radio-cassette receivers, high-grade textile materials, and many other unnecessary items, while they are denied, or get very small quantities, of the items that are in

short supply, such as black satin, Nam Dinh woolen blankets, batteries, kerosene, etc. Some provinces even force their districts to accept goods at high import prices and to pay for them with hard currency.

Some districts themselves are not totally square and honest when they make goods exchanges with production installations, cause a lot of trouble for the people, or try to change the percentages of exchange that have been set in state documents and policies. In some specific cases, as export goods arrived, some districts retained a rather large number of items of higher value, such as motorcycles, radio-cassette receivers, sewing machines, television sets, etc., for use in their own localities or for resale at low prices in favor of high-ranking and powerful cadres in the localities. This situation led to a loss of confidence in the districts among production installations and producers, who now became less enthusiastic for productive work. Therefore, districts must be truly square and honest toward the people and widely publicize purchase prices, exchange goods, time of payment, and so on in order to reassure production installations and producers.

About the organizing machinery, when districts transformed stations into corporations, almost all of them retained all of the cadres, workers, and civil servants working in those stations. Therefore, these cadres have had more or less some experience in the work. But because of a change of the management mechanism and the adoption of independent accounting, which no longer relies on state subsidies, following the decentralization a number of district cadres have shown weaknesses, particularly in connection with professional skills, business techniques, planning, accounting, and so on. Our experience has shown that any districts that proceeded with management decentralization and at the same time strengthened the ranks of cadres by getting them from their provinces' union of corporations would be in a better position to carry out good activities.

Some districts, due to incorrect recognition and evaluation of the station cadres and wrong ideas about the foreign trade sector cadres, proceeded with replacing many or even all of the old cadres of these stations with those who did not have professional foreign-trade skills, or those who were "team players" of or close to some of their own leaders. This situation caused a lot of confusion for districts in their business and prevented them from resolving new problems that later would arise in professional and specialized matters. Therefore, to perfect and build district organizing machineries is a very important and urgent matter. In our opinion, as an immediate step, if the district-level corporations remain very weak, provinces must send a number of relatively experienced cadres to districts; at the same time, provinces and the central administration must also jointly organize courses to train district-level business cadres.

Those are some typical points we have been able to draw from an effort to know the real export work in our localities. We are sure there are other matters we have not been able to see. If we are in a position to review and reevaluate the export work we have recently done in our districts, we shall be able to learn more realistic lessons in the time to come.

AGRICULTURAL REPORT FOR FIRST HALF OF 1986

OW031742 Hanoi VNA in English 1451 GMT 3 Sep 86

[Text] Hanoi VNA 3 September--In the first six months of this year Vietnam's southernmost province of Minh Hai caught 29,000 tons of aquatic products including 9,000 tons of shrimps for export. Meanwhile, the Red River Delta Province of Thai Binh netted nearly 4,000 tons of sea fish, achieving 70 percent of its annual plan, and processed 50 tons of shrimps for export.

In the first ten days of August, the Vietnam-GDR joint coffee enterprise in the central highlands province of Darlac delivered to the GDR 300 tons of coffee. This is the first product of the enterprise set up in the framework of the Vietnam-GDR allround cooperation.

The southern province of Thuan Hai is putting 5,700 hectares under latania trees which yield from 5,000-6,000 tons of leaves per hectare for home consumption and export. Last year the province wove 160,500 square metres of latania blinds and 20,000 square metres of latania mats in addition to dozens of products made from latania leaves.

In the first seven months of this year, two state farms in Thanh Hoa province, 150 km south of Hanoi, produced 200 tons of tea buds, 28 percent more than in the same period last year.

In compensation for the submerged areas, Pho Yen district of Bac Thai province, north of Hanoi, has put 1,200 ha under sweet potato, 50 percent more than last year.

The southern province of Kien Giang has selected nine winter rice varieties suitable for the province's conditions and yielding 1.5, two times more than other strains. These new varieties, grown on more than 200,000 ha, have given 4.1 tons per ha in average, and even six tons at some places.

Thai Binh province is raising 300,000 ducks, six times as many as two years ago. Last year the province exported 100 tons of live ducks and 10 tons of duck feather.

The rubber institute has collected 2,000 species of rubber trees and created many hybrids yielding two tons of dried latex per hectare per year in a production circle of 25 years and more.

Bao Lac district in the northern border province of Cao Bang now has 2,000 more buffaloes and cows than last year. The district is raising thousands of poultry.

By mid-August, the central highlands province of Gialaikountum has extracted 30,000 cubic metres of timber, 10 percent more than in the same period last year.

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CS0: 4200/1400

BRIEFS

MINISTER ON AFFORESTATION--Hanoi VNA 3 September--In the ten years to come, Vietnam's afforested acreage will expand from 23.6 percent of the total natural land to 45 percent, said Minister of Forestry Pham Xuan Dot in an article published by the paper NHAN DAN recently. To date, Vietnam has 7,800,000 hectares of forests of which every hectare can yield from one to one and a half cubic metres of timber a year. By applying intensive afforestation, the annual per hectare output is expected to reach from four to five cubic metres in the next ten years. Of the above-said figure, four million hectares of scattered brush areas will be marked off for forest restoration and upgrading. 3.8 million hectares of denuded hills will be afforested by concentrated or scattered tree planting. Due attention will be paid to the policy of allocating forest land to collective units and private farmers and to the planting of short-term and perennial cash crops in newly-reclaimed areas. The minister also said that his ministry will take into account the industry of processing forest products for home consumption and for export, especially rare valuable timber and tropical wild animals.

[Text] [Hanoi VNA in English 0724 GMT 3 Sep 86 OW] /12913

CSO: 4200/1400

'CULTURAL DAYS' HELD IN ETHNIC MINORITY AREAS

OW030811 Hanoi VNA in English 0721 GMT 3 Sep 86

[Text] Hanoi VNA 3 September--Cultural days of ethnic minorities are being held in the localities predominantly inhabited by ethnic minority groups, such as Bac Thai province in the north and Gia Lai Kon Tum province in the south.

These cultural events are important opportunities to demonstrate and promote the cultural strength of the nation which is also the political and spiritual unity among the various nationalities living in Vietnam.

During these cultural days each ethnic group will introduce to their fellow countrymen the essential spirit and the best achievements of their culture. That may be an embroidery based on the motifs of trees, flowers, birds, elephants, tigers, on a national costume. That may be the original musical instrument such as the lithophone or the bamboo flute. That may also be a poem, a song, or tale.

In that sense, the cultural days are also intended to discover what is the best in the in-cultural heritage of each nationality and to enhance and perfect it to make it a common heritage of the nation.

These heritages consist of ideological and ethnical values as well as aesthetic values. For instance, the house-on-stilts of the Thais is a relic of the community culture. The Cham Tower bears witness to highly developed ancient architecture. The embroideries on the shirts or skirts of the Dzao bear both an ornamental and spiritual value. The bronze drum of the Muongs at the annual Hung Temple Festivals represents an age-old tradition dating from the Bronze Age, etc.

We can also cite the T'rung Bamboo Marimba of many ethnic groups on the Central Highlands which can render not only local melodies but also modern music in the country and the world. The visitor would marvel at the highly impressionist style of the wooden human statues erected around the tombs of the Gia Rai and Se Dan peoples. The artistic beauty of the Khmer ethnic group in the Mekong Delta is mostly found in the architecture of the pagodas and temples, more particularly in the statues of the women dancers.

At present each nationality in the regions predominantly inhabited by ethnic minorities has been able to meet the needs of their cultural life by their own means, through small exhibitions dance and song festivals, projection of slide

films or documentary and feature films brought by mobile projection teams. Many things remain to be done to inherit and develop the cultural heritages of the ethnic groups in the country, but most important of all is doubtlessly the training of an every larger contingent of cultural workers and art researches among all the ethnic groups.

A correct policy toward writers and artists of minority origin is also necessary.

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CSO: 4200/1400

OFFICIAL LAUDS SOCIALIST CULTURAL DEVELOPMENT

OWO40835 Hanoi VNA in English 0740 GMT 4 Sep 86

[Text] Hanoi VNA 4 September--Vietnam's socialist culture has strongly developed over the ten years since the country's reunification.

This remark was made by Tran Van Phac, member of the communist party of Vietnam Central Committee and acting minister of culture, in an article written for VNA on the occasion of the 41st anniversary of the August revolution and the national day.

He wrote:

From 1981-1985, the number of cultural houses has increased eight times over the previous period. About 80 percent of the districts built their own libraries or local revolutionary tradition museums. Almost all the districts and two-thirds of the villages and precincts have travelling information teams and art troupes.

In recent years, groups of cultural establishments have been formed on the district scale. Their activities are associated with those of technological establishments in the district.

Hundreds of play scripts and songs have been composed over the last decade the number of cinema films produced in 1985 trebled compared with 1976 .

In addition to numerous cultural works dealing with the past two patriotic wars for national liberation, many new films, dramas, songs and literary works took as their theme the fight to defend the northern border. A series of film and drama festivals, song contests and fine arts exhibitions have been organized. Many Vietnamese contestants have won prizes at international competitions and festivals. The cultural service has established a network reaching down to the grassroots level.

The number of cultural workers trained in the past ten years increased by 1.5 times over the previous 20 years. This is thanks to the increased number of better vocational schools.

The state has conferred the title "People's Artist" and "Merited Artist" on 189 persons. It has also awarded national prizes in culture and arts.

Socialist culture in Vietnam has developed in association with its broadening international exchange of culture. "Vietnamese Culture Days" aimed at introducing the nation's culture have been held in the Soviet Union, Mongolia, Hungary, Bulgaria and Czechoslovakia. The best of traditional arts such as water puppet shows, "cheo" and "tuong" operas, have been appreciated in many foreign countries. Cooperation in film production has been established with the Soviet Union, the GDR, and Czechoslovakia.

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